

# **North Carolina Innocence Inquiry Commission Brief for**

**State v. Kenneth Kagonyera**  
**Buncombe County 00CRS065086**

**and**

**State v. Robert Wilcoxson**  
**Buncombe County 00CRS65088**

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## **I. Format for Brief and Hearing**

On April 28 and 29, 2011, the North Carolina Innocence Inquiry Commission (“Commission”) will conduct a hearing in this case. By statute and rule, hearings are presumed closed, but may be opened by the Commission Chairperson. N.C.G.S. § 15A-1468(a) and NCCIC Rules and Procedures Article 6(D). A court reporter will be present at the hearing and if the Commission decides to refer the case to a three-judge panel, all files considered by the Commission and the transcript of the proceedings shall become public record. N.C.G.S. § 15A-1468(e).

This brief is submitted to the Commissioners prior to the hearing with the request that they carefully review and note any questions in preparation for the hearing. The brief covers information about the case that was available prior to the investigation by the Commission staff. The hearing will focus on presenting evidence that was uncovered during the Commission’s investigation. Multiple fact and expert witnesses have been subpoenaed to the Commission hearing.

Due to the large volume of attachments, the format for this brief is identical to past Commission briefs. It is meant to be read from start to finish with attachments inserted directly into the body of the brief. There is no need to flip to exhibits or appendices.

As always, the Commission will be asked to consider the following options:

1. Conclude that there is sufficient evidence of factual innocence to merit judicial review and refer the case to a three-judge panel pursuant to N.C.G.S. § 15A-1468(c).
2. Conclude that there is not sufficient evidence of factual innocence to merit judicial review and close the investigation pursuant to N.C.G.S. § 15A-1468(c). Evidence favorable to the convicted persons would be disclosed to them and their attorneys pursuant to N.C.G.S. § 15A-1468(d).
3. Direct the staff to conduct further investigation into this case and continue the hearing.

## **II. Hearing Witnesses**

The following people have been subpoenaed for the April 28 and 29, 2011 hearing:

- Meghan Clement, LabCorp (DNA and Serology Expert)
- Shawn Weiss, Lab Corp (DNA Expert)
- Tim Baize, SBI (DNA Expert)
- Professor Steven Drizin, Northwestern University School of Law (Confessions Expert) –  
testimony will be provided by affidavit
- John C. Flory (Vehicle Expert) – testimony will be provided by affidavit
- Sean Devereux (Kagonyera' trial attorney)
- Shaun Bowman (Victim's son and witness)

### **III. Introduction to the Case**

On the evening of Monday, September 18, 2000, the victim, Walter Bowman was at his home in Fairview, North Carolina. Fairview is a small community near Asheville in Buncombe County. Bowman was with members of his family and friends. Around 10:00 p.m. several individuals left the home. Walter Bowman, his son Shaun Bowman, Wanda Holloway (Shaun Bowman's girlfriend), and Tony Gibson (a family friend) remained in the home. Walter Bowman went to this bedroom to sleep. Wanda Holloway took the dogs outside to use the bathroom, brought them back inside and locked them up in a room in the house. She then sat in the living room watching Monday Night Football with Shaun Bowman and Tony Gibson.

At approximately 11:35 p.m., three men came through the unlocked door. The men were African American, wore gloves, and had bandanas over their faces. They were armed with a shotgun and pistols. Tony Gibson said a fourth man could have been outside the home. One of the intruders pointed a gun at Shaun Bowman's head and another man drug Wanda Holloway into the living room after she tried to run to the kitchen. Walter Bowman opened the door from the bedroom and shut it upon seeing the men. The intruder with a shotgun fired a shot at the bedroom door. The shooter then kicked the door open and shouted, "I shot him, I shot him!" The men left the house without completing the robbery and drove away.

Immediately after the shooting, Shaun Bowman and Tony Gibson also left the home. Initially, Wanda Holloway told officers that Shawn Bowman and Tony Gibson were not present during the shooting. Tony Gibson initially said he left before the shooting. Shaun Bowman disappeared and could not be located for over a month.

Eventually all three witnesses cooperated with investigators and gave descriptions of the intruders. They said the reason Shaun Bowman was reluctant to come forward was because he had warrants and was wanted for parole violations. Police believed that the murder was planned as a drug robbery and that Shaun Bowman was a drug dealer. Drug paraphernalia and what appeared to be pills and marijuana were found in the Bowman residence. No money was found at the residence.

Walter Bowman died en route to the hospital as a result of shotgun wound to the abdomen.

Shortly after the crime, a Crime Stoppers tip reported the assailants were Robert Rutherford, Bradford Summey and Lacy "J.J." Pickens. The file indicates a note was made that J.J. Pickens was in custody at the time of the murder and these suspects were not investigated further. These three people will be referred to as "Group A" and have become a significant focus of the Commission's investigation.

Other Crime Stoppers tips and statements led police to investigate Kenneth Kagonyera, Robert Wilcoxson, Larry Williams, Damian Mills, Teddy Isbell, and Aaron Brewton as the assailants. The law enforcement investigation focused on these individuals and they will be referred to as "Group B." Ultimately, Kagonyera, Wilcoxson, Mills, and Williams plead guilty to second degree murder. Teddy Isbell pled guilty to conspiracy to commit armed robbery. Charges against Aaron Brewton were dismissed.

In 2003, Robert Rutherford confessed to a federal agent and said he, Bradford Summey, and Lacy Pickens (the people from Group A) had committed the crime. In 2007, a CODIS hit on DNA obtained from one of the recovered bandanas was a complete match to the DNA profile for Bradford Summey.



Kagonyera and Wilcoxson are the only two co-defendants still serving sentences. Kagonyera applied to the Commission on August 26, 2008. After the Commission began investigating Kagonyera's claim and interviewed Wilcoxson, Wilcoxson applied to the Commission on November 22, 2010.



## IV. Suspect List

### **Group A**

These people were first named in a Crime Stoppers Tip on September 20, 2000. It appears that there was little law enforcement focus on Group A. Group A has become a significant focus of the Commission's Investigation.

#### **Robert Rutherford (a.k.a. Tricky)**

- 25 years old at time of Bowman homicide.
- Currently serving federal sentence for conspiracy to distribute a controlled substance. Projected release date is May 8, 2012.

#### **Bradford Summey**

- 25 years old at time of Bowman homicide.
- Currently serving state sentence for common law robbery. Projected release date is November 13, 2011.

#### **Lacy Pickens, III (a.k.a. JJ)**

- 22 years old at time of Bowman homicide.
- Was shot and killed by Asheville Police Department on July 6, 2006, after driving vehicle towards an officer.

### **Group B**

These people were investigated for the murder and all were ultimately charged with first degree murder.

#### **Kenneth Kagonyera (a.k.a. Kenny)**

- Commission claimant
- 20 years old at time of arrest.
- Pled guilty to second degree murder and other unrelated charges. Is still serving time in prison.

#### **Robert Wilcoxson (a.k.a. Detroit)**

- Commission claimant
- 21 years old at time of arrest.
- Pled guilty to second degree murder and is still serving time in prison. As a result of plea, several pending charges were dismissed.

#### **Larry Williams (a.k.a. Little Larry)**

- 16 years old at time of arrest.
- Pled guilty to second degree murder and was released from prison on July 31, 2009. On post release supervision until April 27, 2010.

**Damian Mills (a.k.a Dada)**

- 20 years old at time of arrest.
- Pled guilty to second degree murder, attempted robbery with dangerous weapon, and conspiracy to commit robbery with dangerous weapon. Released on October 31, 2010. On post release supervision until July 28, 2011.

**Teddy Isbell**

- 35 years old at time of arrest.
- Pled guilty to Accessory After the Fact to Murder and was released from prison on September 10, 2006.

**Aaron Brewton (a.k.a Man)**

- 19 years old at time of arrest.
- Murder charge was dismissed on August 30, 2002.
- Convicted of unrelated first degree murder on April 20, 2006. Currently serving a life sentence.

## V. Timeline

<b>Date and Time (if known)</b>	<b>Event / Description</b>
September 18, 2000 Between 9 and 10 p.m.	Multiple people are at Walter Bowman's home. Around 10:00 p.m., Bowman's estranged wife (Alma Bowman) leaves the residence along with other family and friends. Walter Bowman, Shaun Bowman, Tony Gibson, and Wanda Holloway remain at the residence.
September 18, 2000 Approx 11:35 p.m.	Three or four men invade the home, shoot Walter Bowman, and flee.
September 18, 2000 11:55 p.m.	Shaun Bowman and Tony Gibson leave the scene and Wanda Holloway calls 911.
September 19, 2000	An ambulance and deputies arrive on the scene.
September 19, 2000	Walter Bowman dies en route to the hospital.
September 19, 2000	Alma Bowman and her family return to the scene.
September 19, 2000	Wanda Holloway is interviewed by deputies and does not disclose that Shaun Bowman and Tony Gibson were present during the homicide.
September 19, 2000	Wanda Holloway and Alma Bowman meet with a Deputy assigned to Victim's services.
September 19, 2000	Deputies conduct a neighborhood canvas. A neighbor (Ms. Fite) says she heard a car spin out on gravel at the house at 11:36 p.m., but did not see the car.
September 19, 2000	Deputies speak to the Walter Bowman's mother, daughter, and granddaughter. They begin looking for Shaun Bowman and asking about Carlos Smith and Johnny Lackey.
September 19, 2000 8:00 p.m.	Wanda Holloway is interviewed again at the Sheriff's Office and does not disclose that Shaun Bowman and Tony Gibson were present during the homicide.
September 19, 2000	Officers collect a surveillance tape from an Amoco gas station close to the scene and note that it shows three black males entering the gas station at 11:19 p.m. Witnesses advised that the vehicle arrived from the direction of Fairview.
September 20, 2000 7:10 a.m.	Crime Stoppers tip names Rob Rutherford, J.J. Pickens, and Brad Summey as individuals involved in the home invasion and homicide.
September 20, 2000	Four Gloves and three bandanas are located along the side of the road and collected by deputies.
September 20, 2000	Deputies interview Johnny Lackey.
September 20, 2000 3:25 p.m.	Detectives interview Tony Gibson and he states that he left the home around 9:40 p.m.
September 21, 2000 4:28 p.m.	Detectives interview Tony Gibson a second time and he states that he was present during the murder and immediately left with Shaun Bowman.



September 22, 2000 1:25 a.m.	Detectives attempt to stop a van belonging to Robert Wilcoxson. A chase and crash ensues. The driver, Robert Wilcoxson and passenger, Larry Williams, flee on foot. The van is taken into custody.
September 23, 2000 10:27 (unknown if a.m. or p.m.)	Lucinda Fair makes statement that she overheard Aaron Brewton implicating himself, Larry Williams, and Kenneth Kagonyera in the homicide.
September 23, 2000 Time unknown	Crime Stoppers tip names Kenneth Kagonyera, Aaron Brewton, and Larry Williams in the murder.
September 23, 2000 8:28 p.m.	Crime Stoppers tip caller says she overheard people saying the three suspects who were on the news are the three that killed Mr. Bowman.
September 23, 2000 Time unknown	Deputies take Kenneth Kagonyera to the Sheriff's Office for his first interview. Kagonyera denies any involvement in the homicide.
September 23, 2000 11:38 (unknown if a.m. or p.m.)	Aaron Brewton signs a rights waiver for his first interview, but there is no report is in the file.
September 24, 2000 12:50 (unknown if a.m. or p.m.)	An officer at the jail overhears Aaron Brewton denying involvement, but implicating Kenneth Kagonyera and Robert Wilcoxson.
September 24, 2000	Larry Williams signs a rights waiver for his first interview, but there is no report is in the file.
September 25, 2000 8:45 (unclear if a.m. or p.m.)	Larry Williams is interrogated a second time. He denies involvement. He is arrested on an unrelated breaking and entering.
September 25, 2000 9:50 a.m.	Aaron Brewton is interrogated a second time. He denies involvement. He is arrested on an unrelated breaking and entering.
September 25, 2000 12:15 (unclear if a.m. or p.m.)	Robert Wilcoxson is interrogated and denies involvement.
September 25, 2000	Teddy Isbell is interviewed and denies his involvement, but implicates Kagonyera and Wilcoxson.
September 25, 2000 10:30 p.m.	Teddy Isbell is interviewed a second time. He admits to helping plan robbery, but says he was not present. He names Kagonyera, Wilcoxson, Williams, and Dea Johnson. He is arrested for possession of a firearm by a felon.
September 26, 2000 3:30 p.m.	Dea Johnson tells detectives that she was home with Robert Wilcoxson and Larry Williams during the time of the murder.
September 26, 2000	Robert Wilcoxson is interrogated a second time. He denies involvement. He is arrested for flee to elude.
September 26, 2000	Larry Williams is interrogated a third time. He initially denies involvement, then confesses and names Kagonyera, Wilcoxson, and Brewton. He then recants and denies involvement.

September 28, 2000	Wanda Holloway is interviewed again and now states that Shaun Bowman and Tony Gibson were present during the murder.
September 28, 2000	Witness Jason Cope is interviewed about seeing three men at the Amoco gas station.
September 28, 2000	Larry Williams is interrogated a fourth time. He denies involvement.
September 28, 2000	Teddy Isbell is interviewed a third time and recants his earlier statements.
September 29, 2000	Witness Jack Holland is interviewed about seeing three men at the Amoco gas station.
October 4, 2000	Robert Wilcoxson submits to a polygraph examination. The results are inconclusive.
October 6, 2000	Deputies locate Kagonyera's vehicle.
October 10, 2000	Larry Williams is interviewed a fifth time, but requests his attorney. He consents to providing a DNA sample.
October 10, 2000	Teddy Isbell is interviewed a fourth time and says he spoke to Kagonyera after the murder. He consents to providing a DNA sample.
October 11, 2000	Damian Mills is interviewed and denies any involvement. He provides a DNA sample.
October 11, 2000	Larry Williams is voluntarily interviewed for a sixth time. He says another inmate told him Damian Mills was involved.
October 11, 2000	Aaron Brewton is interviewed a third time and does not admit to involvement. He provides a DNA sample.
October 11, 2000 11:25 p.m.	Crime Stoppers tip caller says she overheard people saying Kenny Kagonyera was involved and they used his blue Chevy Impala.
October 12, 2000	A neighborhood canvass is conducted. A neighbor says he/she heard a gunshot and saw an older model car speed off.
October 13, 2000	Another neighbor tells detectives that he saw two black males running to or from the house and an older model car driving away.
October 16, 2000 2:30 p.m.	Witness Jason Cope is shown lineups and vehicle photos. He is unable to make definite identifications.
October 18, 2000	Witness Jack Holland is shown lineups and vehicle photos. He is unable to make a definite identification but says that the photo of Kagonyera's car does not look like the car he saw.
October 18, 2000 10:00 a.m.	Jailhouse informant, [REDACTED] says Williams and Kagonyera told him about the case.
October 20, 2000	Kenneth Kagonyera is interviewed a second time and denies involvement. He provides a DNA sample
October 21, 2000	Jailhouse informant [REDACTED] writes statement saying that Kagonyera told [REDACTED] that Wilcoxson, Williams, Isbell and Wilcoxson's cousin were involved, but not Kagonyera.



October 23, 2000	Shaun Bowman is located and interviewed twice. He names Brewton, Williams, Kagonyera, and Wilcoxson as the assailants.
October 24, 2000	Aaron Brewton is interviewed a fourth time and denies involvement.
October 24, 2000	Kagonyera, Wilcoxson, Isbell, Brewton, Mills, and Williams are charged with first degree murder.
October 24, 2000 11:10 (unclear if a.m. or p.m.)	Larry Williams is interrogated a seventh time and ultimately confesses.
October 25, 2000	Jailhouse informant, Glenda Belton, says Wilcoxson tried to give her a "hot" gun.
October 25, 2000	Damian Mills is interviewed for a second time and denies involvement.
October 26, 2000	Damian Mills is interviewed for a third time and implicates himself, Kagonyera, Wilcoxson, Williams, and Brewton in the murder.
October 27, 2000 Date is estimate (not noted on report)	Freddie Wadsworth, the father of Kagonera's girlfriend, is interviewed and says his other daughter kept a gun for Kagonyera, but it was not used in the murder.
October 27, 2000 Date is estimate (not noted on report)	Kagonyera is interviewed a third time and denies involvement.
October 27, 2000	Larry Williams is interviewed an eighth time. He confessed and then immediately recanted.
October 30, 2000	Robert Wilcoxson voluntarily provides a DNA sample.
October 31, 2000	Aaron Brewton's DNA sample is obtained pursuant to a search warrant.
October 31, 2000	Crime Stoppers tip caller says she overheard a conversation that "Kenneth was the shooter" and "Teddy was the driver."
November 2, 2000	The gloves, bandanas, and a door panel are submitted to the SBI for DNA testing.
January 17, 2001	SBI serology report is complete. Chemical indications on the door panel are positive for blood, but cannot be confirmed. Saliva is found on the bandanas.
February 27, 2001	Jailhouse informant, Derrico Jordan, comes forward and says Jerome Mooney, Robert Wilcoxson, and Larry Williams confessed to him.
March 6, 2001	Jailhouse informant Ricky Rizk gives statement corroborating the statement of Derrico Jordan that Wilcoxson confessed to Jordan and Rizk.
March 7, 2001	SBI DNA testing complete. The results show no matches to anyone in Group B
June 26, 2001	Damian Mills pleads guilty to second degree murder, attempted armed robbery, and conspiracy to commit armed robbery.



August 6, 2001	Kagonyera's files a pro se motion to dismiss and requests the results of DNA testing.
September 18, 2001	Jailhouse informant, Tyrell Dickey comes forward and says that the night of the murder Kagonyera told him that Kagonyera, Brewton, Wilcoxson, and Williams had tried to rob Bowman and that Brewton shot and killed Walter Bowman.
November 30, 2001	Kagonyera confesses to the District Attorney and a Detective with his attorneys present.
December 13, 2001	Kagonyera pleads to second degree murder and other unrelated charges.
February 7, 2002	Damian Mills files a motion to withdraw his plea.
February 25, 2002	Larry Williams pleads guilty to second degree murder.
August 15, 2002	Robert Wilcoxson pleads guilty to second degree murder and has unrelated charges dismissed.
August 26, 2002	Aaron Brewton's charges are dismissed and he pleads to an unrelated breaking and entering.
September 9, 2002	Informant Randy Hodge says Kagonyera and Mills confessed to him while in custody.
September 9, 2002	Isbell and Mills file motions to set aside their pleas. These motions are denied.
September 10, 2002	Kagonyera, Mills, Wilcoxson, and Williams are sentenced. Kagonyera files a motion to withdraw his plea and it is denied.
September 17, 2002	Kagonyera files a notice of appeal.
March 7, 2003	Isbell's attorney files a motion to disqualify the DA.
March 27-28, 2003	Robert Rutherford confesses to a federal agent and implicates himself, Bradford Summey, and Lacy Pickens.
Spring 2003	Kagonyera requests DNA results from Clerk's Office.
June 20, 2003	Kagonyera files pro se motion for DNA testing.
July 2, 2003	Kagonyera's request for DNA testing is denied.
November 10, 2003	Kagonyera's appeal is denied.
December 11, 2003	Teddy Isbell pleads guilty to conspiracy to commit armed robbery.
June 22, 2005	Kagonyera requests results of DNA testing from Sheriff's Office and is referred to DA's Office.
June 28, 2005	Kagonyera writes to DA's Office requesting results of DNA testing. There is no indication in the file that the DA's office responded.
July 19, 2005	Kagonyera writes to DA's Office again requesting results of DNA testing. There is no indication in the file that the DA's office responded.
August, 2005	Kagonyera writes to Clerk's Office requesting results of DNA testing and is referred to DA's Office.
April 21, 2006	Kagonyera files an affidavit requesting results of DNA testing.

September 12, 2006	Kagonyera files a motion to compel DA to release results of DNA testing.
February 15, 2008	Kagonyera files a Motion for Appropriate Relief (MAR).
May 20, 2008	The Judge orders the DA's Office to respond to Kagonyera's MAR.
July 29, 2008	The DA's Office files a response. In response, DA says that prior DNA testing was "either negative or inconclusive" and that the state is willing to compare DNA profiles developed from bandanas and gloves to the DNA profile of Summey, Rutherford and Pickens.
July 30, 2008	The Judge orders DNA testing and orders the DA's Office to "provide the Court with such Orders as may be necessary for the collection of the DNA of [Summey, Rutherford, and Pickens] by August 15, 2008."
August 29, 2008	Robert Rutherford is transferred from federal prison to the Buncombe County Detention Facility for a DNA sample.
September 19, 2008	Robert Rutherford is interviewed by a detective. He requests an interview with DA Ron Moore. DA Moore does not interview Rutherford.
April 17, 2009	Robert Rutherford is returned to federal custody without his DNA sample being obtained.
August 26, 2008	Kenneth Kagonyera applies to the NC Innocence Inquiry Commission.
November 22, 2010	Robert Wilcoxson applies to the NC Innocence Inquiry Commission.

## **VI. Sheriff's Office Investigation**

The following information is a summary of the Buncombe County Sheriff's Office investigation in the September 18, 2000 homicide of Walter Bowman. It is gathered from the various reports, statements, and notes that were provided to the Commission pursuant to court order from the Buncombe County Sheriff's Office, the Buncombe County District Attorney's Office, the NC State Bureau of Investigation, and the claimant's attorneys. Some entire reports or portions of reports are included directly in the brief.

Please be aware that many of the Sheriff's Office reports do not have dates, times, or reporting officer's names. No information is included in the reports on how interviews were conducted, how photo lineups were conducted, or how witnesses were brought in for questioning. None of the interviews were recorded or transcribed verbatim; there are only summary reports or handwritten witness statements available.

### **A. September 18 and 19, 2000 (Immediately after the homicide)**

Wanda Holloway and Walter Bowman were the only people at the home when police arrived. Walter Bowman was in critical condition and was transported to the hospital. He passed away in route to the hospital and his cause of death was ruled a shotgun wound to the abdomen.<sup>1</sup>

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<sup>1</sup> Id.



## **Wanda Holloway First Interviews**

Wanda Holloway told police that after she put the dogs up for the night, she was watching a football and Walter Bowman was sleeping when three men burst in yelling for her to get down. She ran into the kitchen and one of the men drug her back into the living room by her hair. She heard shots and the three men ran out of the house. She called 911 after seeing that Walter Bowman had been shot. Her initial description of the men was only that they were three African American men wearing hats and with “scarves” on the bottom part of their faces. She said that she did not recognize them.<sup>2</sup>

An additional interview by a Deputy assigned to victim assistance noted that Wanda Holloway said her dog needed to go out, so she took him out on a leash. The dog barked more than usual and did not go to the bathroom. The Deputy wrote, “During my response to the Church Road scene, I observed that the younger of the two women (Wanda Holloway) failed to display any emotion whatsoever.”<sup>3</sup>

## **Alma Bowman Interviews**

Shortly after the police arrived, the Victim’s estranged wife, Alma Bowman, also arrived at the scene. She met with a victim assistance officer at the scene and was interviewed at the Sheriff’s Office a few hours later. At the scene, Alma Bowman gave investigators permission to search the home and they located pills, a bag of green “vegetable leaves,” (a common law enforcement description of items resembling marijuana) and drug paraphernalia.<sup>4</sup>

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<sup>2</sup> BCSO Incident Report, Officer Hensley, 9/18/00 and Statement of Wanda Holloway, 9/18/00 and BCSO Statement from Officer John Miller, 9/19/00 and BCSO Statement from Officer W. Cummings, 9/19/00.

<sup>3</sup> BCSO Statement of Deputy Brenda Fraser, 9/19/00.

<sup>4</sup> BCSO Permission to Search, 9/19/00 and BCSO Property Report, 9/19/00, Det. Sprinkle.

At the Sheriff's Office, Alma Bowman told the detectives that she had been at the home earlier with her daughter and granddaughter. They had left around 10 p.m. to go to McDonald's and buy fuel. When she left, Wanda Holloway, Tony Gibson and Shawn Ingarta were still at the home (the Sheriff's Office report notes that there is no such person as Shawn Ingarta).<sup>5</sup>

Alma Bowman said that while they were out, Wanda Holloway called on her cell phone and said Walter Bowman had been shot. Alma Bowman told police that she called the Victim's mother and drove to the emergency room. The Victim had not yet arrived at the hospital, so they returned to the house. They passed the ambulance on the way. When they arrived at the house, the Victim's mother went back to the hospital and Alma Bowman called her daughter to come get the grandchildren. Alma Bowman said she did not know where her son, Shaun Bowman, was and had not heard from him for months.<sup>6</sup>

### **Neighborhood Canvass**

The day after the murder, officers conducted a neighborhood canvass to ask if any neighbors had seen or heard anything at the Bowman home. A neighbor, Ms. Fite, stated that she heard a car spinning gravel at the home at around 11:36 p.m., but the car was gone when she looked out the window.<sup>7</sup>

### **Vallie Bowman Interview**

Officers also spoke to the Victim's mother, Vallie Bowman, in her home on September 19, 2000. A number of other family members and women were present during the interview. Vallie Bowman stated that Shaun Bowman was not at her home and allowed officers to look for

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<sup>5</sup> BCSO Interview with Alma Bowman, 9/19/00, Dets. Sprinkle and Murphy.

<sup>6</sup> Id.

<sup>7</sup> BCSO Interview Report, 9/19/00, Det. Honeycutt

him. Officers also spoke to the Victim's daughter, Pamela, and the Victim's ten year-old granddaughter, Valencia.<sup>8</sup>

The report notes that during the interview of Vallie Bowman, officers were asking about "two black males whose name had come up in this investigation. The first was Carlos Smith and the last [*sic*] name was John Lackey."<sup>9</sup> It is unclear if these men were considered suspects and how their names had "come up" in the investigation. It is also apparent from the reports that officers were seeking Shaun Bowman, but it is not clear why they were seeking him. At this time, Wanda Holloway had not yet disclosed that Shaun Bowman was present during the murder.

### **Wanda Holloway Second Interview**

Wanda Holloway was interviewed at the Sheriff's Office around 8 p.m. the day after the murder. Holloway said she had not seen or spoken with Shaun Bowman in a year and a half. She continued to state that she was the only one present in the home, aside from the Victim, at the time of the home invasion. She said she had just put the dogs up when the crime happened. Officers asked her about Johnny Lackey and a man named Alvin Stone.<sup>10</sup> Again, it is unclear if officers considered these men suspects or why they were asking about them.

### **Store Surveillance Tape**

On September 19, 2000, Officers collected a store surveillance tape from an Amoco gas station and noted that the tape, "Has 3 black males comming [*sic*] into station at around 2319 hrs

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<sup>8</sup> BCSO Follow-up report, 9/19/00, Sgts. Clementson and Frisbee

<sup>9</sup> Id.

<sup>10</sup> BCSO Interview with Wanda Holloway, 9/19/00, Dets. Sprinkle and Murphy and Statement of Wanda Holloway, 9/19/00.



9-18-00 night of homicide according to witnesses at same the car came in from Fairview NC.”<sup>11</sup>

The tape was collected on September 19, 2000 and turned into evidence on October 23, 2000.<sup>12</sup>

### **Gloves and Bandanas Located**

The day after the homicide, a mail carrier located three bandanas and four gloves along the side of a road close to the homicide. The Sheriff’s Office collected these items and ultimately sent them to the SBI for DNA testing. The results of the SBI testing will be reported later in this brief. The results of the Commission testing will be reported at the Commission hearing on April 28 and 29, 2011.

### **First Crime Stoppers Tip**

The first Crime Stoppers tip came in two days after the homicide on September 20, 2000. The caller named Rob Rutherford, J.J. Pickens, and Brad Summey. An officer noted that J.J. Pickens had been in the Buncombe County Detention Facility since September 14, 2000 and that Brad Summey was out of town working.<sup>13</sup> It does not appear from the file that any other follow-up was done on these three individuals. These are the individuals labeled as Group A.

The entire report from this Crime Stoppers tip is included below.

The staff has since learned that J.J. Pickens was indeed an inmate in the Buncombe County Detention Facility during this time, but he was on weekday work release and only serving weekends. Buncombe County Detention Facility logs report him signing out on the day before the murder.<sup>14</sup>

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<sup>11</sup> BCSO Property Report, 9/19/00, J.L. Elkins.

<sup>12</sup> Id. and attached chain of custody log.

<sup>13</sup> Crime Stoppers Log, 9/20/00

<sup>14</sup> BCDF logs, Lacy Pickens.

# Crim Stoppers Log (828)-555-5050

Date of Birth 2/9/73  
(to be used as temp #)

Date 9/20/00  
Time 07:10 hrs

Communications will answer after-hours calls and direct information to appropriate department/division as needed (CID, APD, etc) by phone/radio if in progress or location of suspect with confirmed warrants is given, otherwise the Law Enforcement Coordinator will pick it up next business day.

Nature of Call (armed robbery, drugs, warrant, etc.)

William Bowman

Details

1st Rob Rutherford - unknown

2nd JJ Pickins in custody since 9-14-00

3rd Brad Summey out of town working

Shiloh Area

Rob Rutherford lives in Shiloh at the end of Booker Street in a mobile home and drives a black buick

Referred To:

Date    /    /   

Time    :    :

## **B. Continuing Sheriff Investigation**

### **Johnny Lackey Interview**

On September 20, 2000, two days after the homicide, detectives interviewed Johnny Lackey. Earlier interviews indicated they had asked people about Johnny Lackey, but it is unclear how his name arose or if they considered him a suspect. Lackey told detectives that he thought the murder was a hit on Walter Bowman and that Walter Bowman was a drug user, not a dealer. Lackey felt that Wanda Holloway knew more and was covering something up. He said Shaun Bowman had called on September 19, 2000 and “said that someone killed his daddy.” He told officers to find Tony Gibson and “put the squeeze on him and he’ll talk.”<sup>15</sup>

### **Tony Gibson Interviews**

On the afternoon of September 20, 2000, detectives interviewed James “Tony” Gibson at the Sheriff’s Office. Gibson stated that he had been at the home and left around 9:40 p.m. and that only Wanda Holloway and Walter Bowman (the Victim) remained at the house.<sup>16</sup>

The next day, Gibson returned to the Sheriff’s Office and told detectives that he had not given the “whole truth in his earlier statement and he could not have any peace until he did.”<sup>17</sup> He said that around 9:10 p.m., Alma Bowman left with the kids, but he (Gibson), Shaun Bowman, Wanda Holloway, and Walter Bowman were still at the home. Walter Bowman went to bed around 10:45 p.m. Wanda Holloway let the dogs out and one of the dogs barked and ran back to the door without using the restroom.<sup>18</sup>

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<sup>15</sup> BCSO Interview of Johnny Lackey, 9/20/00, Dets. Sprinkle and Murphy.

<sup>16</sup> Statement of James “Tony” Gibson, 9/20/00 and Interview of James “Tony” Gibson, 9/20/00, Dets. Sprinkle and Murphy

<sup>17</sup> Interview of James “Tony” Gibson, 9/21/00, Dets. Sprinkle and Murphy.

<sup>18</sup> Id. and Statement of James (Tony) Gibson, 0/21/00.

Gibson stated that they were watching a football game when a man opened the door and pointed a gun at him while yelling to “get down, get down.” A second and third man came in and a fourth man was outside the door. The second man held a shotgun on Shaun Bowman and Shaun Bowman tried to take the gun away. The third man pointed his gun at Shaun Bowman and told him to get down. One of the guys shouted, “where is the bitch,” and Wanda said, “I’m right here.” While on the ground Gibson heard a shot and one of the men said, “I shot him” and then it got quiet and the men were gone. He saw that Walter Bowman had been shot and Wanda Holloway called 911. Gibson said he and Shaun Bowman left the home and he (Gibson) dropped Shaun Bowman off at another location.<sup>19</sup>

Mr. Gibson told officers that Johnny Lackey was not one of the men and that he did not know the men. He saw a photo of Kenneth Kagonyera on a bulletin board in the Criminal Investigative Division and stated that the first man had the same build and skin tone as the Kagonyera photo.<sup>20</sup> This is the first time Kenneth Kagonyera’s name had come up in the investigative reports.

Mr. Gibson described the suspects as black males. One was approximately six feet one inches and 170 pounds with a young soft voice. He had long arms and was dressed in black with a blue bandana around his face and a red bandana on his head. He carried a chrome handgun. The second man was approximately five feet nine inches and weighed around 185-190 pounds. He had on a red ball cap with a red bandana over his face and carried a shotgun. The third man carried a handgun. Gibson was unsure if a fourth person had been outside and could not describe any additional individuals.<sup>21</sup>

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<sup>19</sup> Id. (note: there is some discrepancy between the statement and interview about whether there was a fourth man in the home)

<sup>20</sup> Id.

<sup>21</sup> Id.



## **Vehicle Stop**

In the early morning on September 22, 2000, Detective George Sprinkle, who was assigned to lead the Bowman homicide investigation along with Detective Mike Murphy, attempted to stop a van identified as belonging to one of the suspects, Robert Wilcoxson. A police chase ensued and the driver of the van ultimately crashed the van. The driver and passenger fled on foot and escaped. The van was taken into custody with a note that it was linked to the homicide.<sup>22</sup> The van was later determined to be Robert Wilcoxson's vehicle. It is unclear from the reports when the van was linked to the homicide since Wilcoxson's name had not yet been mentioned in any reports or tips. On September 25, 2000, a warrant for arrest was issued on Robert Wilcoxson for fleeing to elude.

## **Media Coverage**

The investigation did receive some media coverage. The Commission is currently working with Buncombe County media outlets to obtain the television and newspaper coverage. The following articles are from the Asheville Citizen Times and were published during the investigation and arrests.

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<sup>22</sup> BCSO Vehicle Pursuit Report, 9/22/00, Dets. Sprinkle and Murphy.

## 3 suspects sought in Fairview slaying

By Susan Dryman  
STAFF WRITER

**FAIRVIEW** — Authorities were still searching Tuesday for three men who stormed into a home here and shot a man to death late Monday.

Deputies aren't sure what motivated the killing, but were working on several theories.

Walter Rodney Bowman, 51, of Washington Street in

### Victim was visiting estranged wife, stepdaughter

Asheville was visiting his estranged wife and stepdaughter when the shooting occurred at a home on Church Road in Fairview, according to Buncombe County Sheriff Bobby Medford.

Bowman's estranged wife and stepdaughter lived

in the rented home, the sheriff said.

About 11:30 p.m. Monday, three men ran in through a bedroom door and ordered everyone to get down on the floor, the sheriff said.

One of the three men grabbed the victim's stepdaughter by the hair in the

kitchen, and while she was being held, she heard a gun go off in another room.

"She found her (injured) stepfather laying on the bed," Medford said. "The men ran out the door."

Bowman was taken to Mission Hospital, where he died early Tuesday, said

hospital spokeswoman Merrell Gregory.

Authorities believe the weapon was a large-caliber handgun, but won't be sure until an autopsy is finished.

Bowman was wounded in the lower chest, the sheriff said.

Investigators are track-

ing down several leads, but had made no arrests late Tuesday.

A \$3,000 reward through Crime Stoppers awaits anyone with information leading to the arrest and conviction of the killers. Crime Stoppers can be reached at 255-5050.

Contact Dryman at 232-5953 or SDRYMAN@CITIZEN-TIMES.com



## Asheville man arrested on fresh charges

**ASHEVILLE** - An Asheville man who turned himself into authorities in April after Asheville-Buncombe Crime Stoppers offered a \$1,000 reward for his arrest was arrested on new charges Saturday.

Kenneth Manzi Kagonyera, 20, was charged with breaking into a Pisgah View Apartments residence Monday and with possessing 6.2 grams of cocaine when he was arrested Saturday morning.

Also charged in the break-in was Aaron Jonwan Brewton, 19. He was charged with resisting a public officer for running from his probation officer, Michael Woody, who was trying to arrest Brewton on Aug. 29 on outstanding warrants.

Brewton was also charged with violating terms of probation on a June conviction of common-law robbery and was served an arrest order for failing to appear in court Aug. 28 on a misdemeanor charge of possessing stolen goods.

Records show Brewton was arrested in July 1999 with robbing an individual of \$283.

Police had sought Kagonyera six months ago on a charge of shooting an Asheville man last Christmas Eve before Kagonyera surrendered to a Buncombe County magistrate.

Kagonyera was jailed in lieu of \$50,000 secured bond on the

Cloudy, showers.  
High 65, low 45  
WEATHER, A8

A GANNETT NEWSPAPER

ASHEVILLE

# CITIZEN-TIMES

VOICE OF THE MOUNTAINS

CITIZEN-TIMES.com

WEDNESDAY,  
OCT. 25, 2000

60 CENTS

## Four jailed on murder charges

By Jon Ostendorf  
STAFF WRITER

ASHEVILLE - Four men charged with slaying a Buncombe County man while he was visiting relatives in a Fairview home last month are scheduled to appear in court today.

The four men, all of Asheville, were arrested late Tuesday and held without bond in the Buncombe County jail.

This is what Buncombe County Sheriff's investigators believe happened on Sept. 18.

Walter Rodney Bowman, 31, of Washington Street in Asheville was visiting his estranged wife and stepdaughter at a home on Church Road in Fairview when three men entered the house through a bedroom door and ordered everyone to get down on the floor.

One of the three men grabbed Bowman's stepdaughter by the hair in the kitchen, and while she was being held, she heard gunfire in another room.

"She found her (injured) stepfather laying on the bed," Sheriff Bobby Medford told the Citizen-Times after the shooting. "The men ran out the door."

Bowman died at Mission St. Joseph's Health System. He was wounded in the lower chest.

Sheriff's deputies on Tuesday arrested:

• Larry Jerome Williams, 16, who gave a 105 S. French Broad St. address.

• Aaron Jonvan Brewton, 19, who gave a 127 Carroll Ave. address.

• Teddy Lamont Isbell, 35, who gave a Pisgah View Apartment 5-C address.

• Kenneth Manzi Kagonyera, 30, who gave a Pisgah View Apartment 17-C address.

All four are charged with first-degree murder.

Today a judge will explain the charges to the men and appoint attorneys if the men do not already have legal representation. The judge will likely also decide whether to set a bond for each of the men.

Contact Ostendorf at 252-5457 or  
JOstendorf@CITIZEN-TIMES.com

Editor:  
Tomlin 232-5955 or  
CITIZEN-TIMES.com  
232-5922 or  
CITIZEN-TIMES.com

ASHEVILLE CITIZEN-TIMES

# MOUNTAINS

# B

Tomlin 232-5883; e-mail RTomlin@CITIZEN-TIMES.com

THURSDAY, OCT. 26, 2000

Local news online: CITIZEN-TIMES.com

## Final arrest made in murder case

Sixth slaying  
suspect arrested  
late Wednesday

By Jon Ostendorf  
STAFF WRITER

ASHEVILLE — All six suspects in the murder of Walter Rodney Bowman are in custody this morning after the last two were

arrested Wednesday. Robert Wilcoxson was arrested late Wednesday night and charged with first-degree murder. He was being held in the Buncombe County Jail without bond. Damian Miguel Mills, 20, was arrested earlier in the day Wednesday and charged with murder Wednesday morning. He is also being held in the Buncombe County Jail

without bond. Mills is scheduled to appear in court today on the charges. Also on Wednesday, a judge appointed lawyers and denied bond for four Asheville men arrested Tuesday on murder charges in the same case. Sheriff Bobby Medford said the arrests on Tuesday evening and Wednesday came after Bowman's son turned himself in on unre-

lated charges and helped officers find the other suspects. Medford also said the shooting was likely robbery and drug related. Bowman, 51, of Washington Street in Asheville, was shot while visiting his estranged wife and stepdaughter at a home on Church Road in Fairview last month. Investigators say three

men ran into the house through a bedroom door and ordered everyone to get down on the floor. One of the three men grabbed Bowman's stepdaughter by the hair in the kitchen, and while she was being held, she heard gunfire in another room. The stepdaughter was released when the men ran out of the house. She later found Bowman injured in

the bedroom. He was wounded in his lower chest and later died at Mission St. Joseph's Hospital. The other four men, Arron Jonwan Bqwtan, 19; Teddy Lamont Isbell, 35; Kenneth Manzi Kagonyera, 20; and Larry Jerome Williams, 16, are all scheduled to appear in court on Nov. 13. Contact Ostendorf at 232-5857 or jOstendorf@CITIZEN-TIMES.com



## Second and Third Crime Stoppers Tips

On September 23, 2000, a Crime Stoppers tip naming Kenneth Kagonyera, Aaron Brewton, and Larry Williams was received. The caller's identity and time of the call is unknown.<sup>23</sup> The same day, a second anonymous Crime Stoppers tip came in and the caller stated that she overheard others saying the three people shown on the news are the three that killed the Victim.<sup>24</sup>

Two more Crime Stoppers tips were received on October 11, 2000 and October 31, 2000. Those callers stated they overheard conversations implicating Kenneth Kagonyera and Teddy Isbell.<sup>25</sup>

There are four total Crime Stoppers tips that reference people from Group B. It is important to note that the only identifying information for these Crime Stoppers tips is the caller's birthday. Two of the tips are identical birthdates and the other two are extremely similar. One of the calls notes that the caller already had the referral information and three of the calls mention the caller as a female.<sup>26</sup> There is no record of whether anyone received reward money from these tips.

These four Crime Stoppers tips are included below.

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<sup>23</sup> Crime Stoppers Tip, 9/23/00

<sup>24</sup> Crime Stoppers Tip, 9/23/00 20:28

<sup>25</sup> Crime Stoppers Tip, 10/11/00 and Crime Stoppers Tip, 10/31/00.

<sup>26</sup> Crime Stoppers Logs, 9/23/00, 9/23/00, 10/11/00, and 10/31/00.

## Crime Stoppers Log (828)-255-5050

Date of Birth 02/26/74  
(to be used as temp #)

Date 09/23/00  
Time : hrs

Communications will answer after-hours calls and direct information to appropriate department/division as needed. (CID, APD, etc) by phone/radio if in progress or location of suspect with confirmed warrants is given. otherwise the Law Enforcement Coordinator will pick it up next business day.

Nature of Call (armed robbery, drugs, warrant, etc.)

Murder in Fairview

### Details

- 1- Kenneth Kagonyera is @ 17C PVA
- 2- Aaron Brewton is @ 8B PVA
- 3- Larry Williams is @ 11E PVA

driving either a Blk altima That  
Belongs to Kenneth

/ a yell car w/ white top

or grey mustang

Referred To: C3-41-  
504-501-517  
512

Date 9/23/00  
Time : : hrs

7254

# Crime Stoppers Log (828)-255-5050

Date of Birth 10/26/74  
(to be used as temp #)

Date 9/23/80  
Time 20 : 28 hrs

Communication: will answer after-hours calls and direct information to appropriate department/division as needed.(CID,APD,etc) by phone/radio if in progress or location of suspect with confirmed warrants is given, otherwise the Law Enforcement Coordinator will pick it up next business day.

Nature of Call (armed robbery, drugs, warrant, etc.)

*Murder in Jail*

Details

The caller advise that the same 3 suspects that was shown on the news are the 3 that killed Mr. Bowman. Caller advise that she over heard someone talking about the invasion that happen in IRA, that they were the same people.

Referred To: *Satrud*

Date 9/23/80  
Time :



7781

# Crime Stoppers Log (828)-255-5050

Date of Birth 10/26/74  
(to be used as temp #) |

Date 10/11/00  
Time 23:25 hrs

Communications will answer after-hours calls and direct information to appropriate department/division as needed. (CID, APD, etc) by phone/radio if in progress or location of suspect with confirmed warrants is given. otherwise the Law Enforcement Coordinator will pick it up next-business day.

Nature of Call (armed robbery, drugs, warrant, etc.)

BOWMAN MURDER

Details

CALLER STATED THAT SHE OVERHEARD PEOPLE TALKING ABOUT THIS MURDER. THEY WERE SAYING THAT KENNY KAGONERA WAS INVOLVED AND THE CAR THEY USED WAS KENNY'S BLUE FOUR-DOOR CHEVY IMPALA. THIS CAR DOES NOT HAVE A WHITE TOP

Referred To:

Date   /  /    
Time   :

# Crime Stoppers Log (828)-255-5050

Date of Birth 10/24/76  
(to be used as temp #)

Date 10/31/00  
Time 21:29 hrs

Communications will answer after-hours calls and direct information to appropriate department/division as needed. (CID, APD, etc) by phone/radio if in progress or location of suspect with confirmed warrants is given, otherwise the Law Enforcement Coordinator will pick it up next business day.

Nature of Call (armed robbery, drugs, warrant, etc.)

Fairview Shooting

Details

Caller advised she overheard  
a conversation and they  
said "Kenneth was the shooter",  
and "Teddy was the driver".

Referred To:

Date    /    /   

Time    :   

ALREADY HAD INFO

### **Lucinda Fair Interview**

On September 23, 2000, Lucinda Fair was picked up during a law enforcement raid and interviewed at the Sheriff's Office.<sup>27</sup> Ms. Fair stated that she overheard Aaron Brewton telling another person that he shot through the door and "Little Larry" (Williams) was scared so he ran. She overheard further discussion that Aaron Brewton, Larry Williams, and Kenny Kagonyera had been hanging together to "handle business."<sup>28</sup>

### **Kagonyera First Interrogation**

On September 23, 2000, deputies transported Kenneth Kagonyera to the Sheriff's Office for questioning. Kagonyera denied being present at the Victim's home or having any other knowledge of the incident. Kagonyera said that he was at his girlfriend, Latisha Lee's apartment.<sup>29</sup> Kagonyera was held in the Buncombe County Detention Facility on unrelated charges.

### **Aaron Brewton First Interrogation**

On September 23, 2000, Aaron Brewton was arrested and charged with an unrelated breaking and entering. He signed a rights waiver and was apparently interrogated, but there is no accompanying Sheriff's Office report to indicate the circumstances of his interview or what he said.<sup>30</sup>

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<sup>27</sup> Handwritten notes from BCSO, 9/23/00

<sup>28</sup> Statement of Lucinda Inez Fair, 9/23/00.

<sup>29</sup> BCSO Report, Interview of Kenneth Kagonyera, 9/23/00, Lt. Constance.

<sup>30</sup> Aaron Brewton rights waiver, 9/23/00.



## **Jail Conversations**

On September 24, 2000, six days after the homicide, an officer at the Buncombe County Detention Facility overheard Aaron Brewton telling other inmates that he was not involved in the homicide, but that Kenneth Kagonyera and Detroit (Robert Wilcoxson) were involved. Another inmate named Jerome Mooney also said detectives thought he (Mooney) was involved, but he had nothing to do with it.<sup>31</sup>

## **Larry Williams First and Second Interrogation**

On September 24, 2000, Larry Williams was arrested and charged with an unrelated breaking and entering. His rights waiver indicates he was interrogated for over an hour, but there is no Sheriff's Office report indicating whether he made any statements.

On September 25, 2000, Larry Williams was again interrogated at the Sheriff's Office for a second time and signed a rights waiver. He was given paper to write a statement and wrote only, "I'm not involved this murder [*sic*]." A report indicates that he also said he had known Kenneth Kagonyera for about three years and stayed with him for six months. He had known Detroit (Robert Wilcoxson) for about a year and a half and "ran" with him for the last three months. He stated that he and Aaron Brewton got into a fight about a year ago and do not get along. He stated he knew the Victim's son Leon and had met Shaun Bowman. He said he "does blunts, has money and a bank account."<sup>32</sup>

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<sup>31</sup> Statement of Matthew Kiser, 9/24/00.

<sup>32</sup> BCSO Interview of Larry Williams, 9/25/00, Dets. Sprinkle and Murphy and Statement of Larry Williams, 9/25/00.

### **Aaron Brewton Second Interrogation**

On September 25, 2000 at 9:50 a.m., Aaron Brewton was found at his girlfriend's home. A search of the home revealed nothing. Brewton was brought to the Sheriff's Office for a second interrogation and signed a rights waiver. Brewton indicated he had nothing to do with the death of Walter Bowman. He stated he knew Robert Wilcoxson, Larry Williams, and Kenneth Kagonyera, but did not "hang with them." He said he did know Walter Bowman and his sons, but did not go to their house.<sup>33</sup> Brewton said that on the day of the murder, he was with his girlfriend and her friend.<sup>34</sup>

### **Robert Wilcoxson First Interrogation**

On September 25, 2000 at 12:15 (it is unclear from the report if the time was a.m. or p.m.), Robert Wilcoxson was brought to the Sheriff's Office for his first interrogation and waived his rights. He denied involvement and said he heard that three guys named "Vaughn, Trey, and Wilton" did the crime. He said he knew Larry Williams and Leon Bowman. He said he sold his Impala (car) two weeks prior to the interview.<sup>35</sup>

### **Teddy Isbell First and Second Interrogations**

On September 25, 2000 at 2:30 p.m. Matt Bacoate, contacted the Sheriff's Office and requested a meeting at his place of business, Life on Life's Terms.<sup>36</sup> Life on Life's Terms was a local drug treatment program run by Bacoate. Lt. Constance from the Sheriff's Office went to

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<sup>33</sup> Id.

<sup>34</sup> Id.

<sup>35</sup> BCSO Statement from Robert Wilcoxson, 9/25/00, Dets. Sprinkle and Murphy.

<sup>36</sup> BCSO Follow-up report meeting with Teddy Isbell, 9/25/00, Lt. Constance

Life on Life's Terms and met with Matt Bacoate, Teddy Isbell, and Annette Hines (Isbell's girlfriend).<sup>37</sup>

Teddy Isbell said he overheard Kenneth Kagonyera saying he was involved and Robert Wilcoxson was the shooter. Isbell stated that Kagonyera, Aaron Brewton, and Larry Williams were also involved in another breaking and entering earlier on the same day as the homicide. The victim of this breaking and entering was looking for Kagonyera and had a gun. Isbell said he relayed this information to Kagonyera and Kagonyera asked Isbell to get his (Kagonyera's) shotgun from Anita Finley's apartment. Isbell said he retrieved the shotgun and brought it to Kagonyera in the evening. Isbell said he was afraid his fingerprints would be on the shotgun. Isbell also said that Kagonyera, Williams, and Wilcoxson had been riding around in a van.<sup>38</sup>

Later that same day, Lt. Constance brought Isbell to the Sheriff's Department to speak more with him. The report notes that Isbell appeared extremely nervous and repeatedly asked if they thought he was involved in the homicide. Isbell brought his girlfriend, Annette Hines, and requested that Matt Bacoate and District Attorney Ron Moore also be present. Isbell was told that he was not under arrest and was free to leave.<sup>39</sup>

When Bacoate and DA Moore arrived, Isbell repeated the information in his earlier statement. Isbell added that he also spoke to Larry Williams and Williams admitted to being present, but not being the shooter. The report states:

*As the interview continued Isabel [sic] said he knew they were going to rob Shaun Bowman because he participated in the planning of the robbery. Isabel said he got the information from Leon Bowman and told Kagonyera that Shaun Bowman was holding a large amount of money and*

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<sup>37</sup> Id.

<sup>38</sup> Id.

<sup>39</sup> BCSO report Interview of Teddy Isbell, 9/25/00, Lt. Constance and Ron Moore



*drugs. Isabel said Kagonyera gave him an eight ball of crack cocaine for the information. Isbell [sic] again said he was in trouble because he knew what they were going to do and retrieved the shotgun to be used. Isabel denied being present for the homicide and stated he was with Leon Bowman in Pisgah View when it happened. Isabel said he had been smoking crack cocaine for three weeks straight and had not even taken a bath.*<sup>40</sup>

Isbell then stated he had not actually overheard Kagonyera talking about the murder, but it was his girlfriend Annette Hines who had overheard this. At this time, Lt. Constance left the interview to speak to Annette Hines and Matt Bacoate.<sup>41</sup> It appears that Isbell was alone in the interview room with DA Moore, but there is no record of any conversations they may have had or whether DA Moore also left the room.

Annette Hines denied overhearing Kagonyera and stated that Isbell told her he was present during the invasion, but Wilcoxson was the shooter. Matt Bacoate also stated that Isbell said he was present, but not the shooter and that Isbell had also told this to his mother.<sup>42</sup>

Lt. Constance confronted Isbell, but Isbell denied making the statements that he was present. Isbell said he was involved in the planning and retrieved the shotgun. Isbell said Kagonyera sells cocaine, is known to carry a gun, and he (Isbell) works for him.<sup>43</sup>

Forrest Weaver, a Detective from the Asheville Police Department arrived at the interview and contacted Isbell's mother, who confirmed that Isbell admitted being present.<sup>44</sup> It is

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<sup>40</sup> Id.

<sup>41</sup> Id.

<sup>42</sup> Id. and Statement of Annette Hines, 9/25/00 (note, statement is witnessed by Det. Sprinkle, but he is not stated as present in the report.)

<sup>43</sup> BCSO Follow-up report, Interview of Teddy Isbell, 9/25/00, Lt. Constance and Ron Moore

<sup>44</sup> Id.

unclear why a member of the police department was involved in this interrogation. Isbell continued to deny being present and said he was part of the planning, but got out of the van before the invasion. Isbell said Wilcoxson, Dea Johnson (Wilcoxson's girlfriend), and Larry Williams participated in the homicide and used Wilcoxson's van and a beige Monte Carlo also belonging to Wilcoxson. He knew Wilcoxson was the shooter because Kagonyera told him that Wilcoxson was the shooter. At this time, Isbell was arrested and charged with possession of a firearm by a felon.<sup>45</sup>

### **Dea Johnson Interview**

The next day, September 26, 2000, detectives interviewed Dea Johnson. She stated that at the time of the murder, she was home with Robert Wilcoxson, Larry Williams, and Cory (no last name). She said that Wilcoxson, Williams, and Cory spent the night in the van in her driveway on September 18, 2000.<sup>46</sup>

### **Robert Wilcoxson Second Interrogation**

On September 26, 2000, detectives interrogated Robert Wilcoxson for a second time. Wilcoxson stated he was home with Dea Johnson during the time of the homicide. He said he knows of Walter Bowman and Shaun Bowman, but had not been to their home. He said he "hangs" with Larry Williams and Kenneth Kagonyera, but does not "run" with Aaron Brewton.<sup>47</sup>

Wilcoxson told detectives he got the van from an unidentified man and was going to try to buy it. He said they used the van to drive around and "smoke weed." He admitted to being

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<sup>45</sup> Id.

<sup>46</sup> Statement of Dea Johnson, 9/26/00 and BCSO Interview of Dea Johnson, 9/27/00. Note there is some conflict between the statement and the interview.

<sup>47</sup> BCSO Report, Interview of Robert Wilcoxson, 9/26/00, Dets. Sprinkle and Murphy.

the driver of the van and fleeing from officers with Larry Williams. The report says Wilcoxson, “Didn’t kill anyone and was not involved in this crime and would take a polygraph test or any other kind of test to prove he wasn’t involved in this.” He had heard that three guys named Vaughn, Trey, and Wilton did it. The report states, “At this time the interview was concluded, same was transported to the Buncombe Detention and charged with felony elude so we could hold him for further investigation.”<sup>48</sup>

### **Larry Williams Third Interrogation**

On September 26, 2000, Lt. Constance and a detective from the Asheville Police Department interrogated Larry Williams for a third time while he was in custody at the Sheriff’s Office. It is not stated in the report why a detective from the police department was involved. Buncome County Sheriff Bobby Medford and DA Moore were also present during the interrogation. Williams signed a rights waiver.<sup>49</sup>

The entire interview report is included below.

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<sup>48</sup> Id.

<sup>49</sup> BCDS report, Interview of Larry Williams, 9/26/00, Lt. Constance, Det. Weaver, DA Moore, Sheriff Medford.





BOBBY L. MEDFORD  
BUNCOMBE COUNTY

CRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW UP INTERVIEW REPORT

Case Detective(s): Detective George Sprinkle  
Detective Mike Murphy

Reporting Detective: Lt. Sam Constance

Case Number: 00-339072

Offense(s): Homicide

Victim: Walter Rodney Bowman

INTERVIEWED: LARRY JEROME WILLIAMS, JR. (DEFENDANT)  
DOB: 03-21-84, B/M

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ON SEPTEMBER 26, 2000 DETECTIVE FOREST WEAVER OF THE ASHEVILLE POLICE DEPARTMENT AND LT. SAM CONSTANCE OF THE BUNCOMBE COUNTY SHERIFF'S DEPARTMENT INTERVIEWED LARRY WILLIAMS AT THE BUNCOMBE COUNTY SHERIFF'S DEPARTMENT DETENTION FACILITY IN REFERENCE TO THE HOMICIDE OF WALTER RODNEY BOWMAN. WILLIAMS WAS ADVISED OF HIS RIGHTS AND WAIVED HIS RIGHT TO HAVE AN ATTORNEY PRESENT AND AGREED TO TALK WITH INVESTIGATORS. WILLIAMS WAS IN CUSTODY ON UNRELATED CHARGES. ALSO PRESENT FOR PORTIONS OF THE INTERVIEW WAS SHERIFF BOBBY MEDFORD AND DISTRICT ATTORNEY RON MOORE.

AT THE ONSET OF THE INTERVIEW WILLIAMS ADVISED THAT HE HAD NOTHING TO DO WITH THE HOMICIDE. WILLIAMS SAID THAT HE WAS IN PISGAH VIEW APARTMENTS ON THE 18<sup>TH</sup> AND THAT HE WAS WITH KENNY KAGONYERA, DETROIT (ROBERT WILCOXSON), AND MAN (ARRON BREWTON) DRIVING AROUND SMOKING BLUNTS AND WATCHING MOVIES. WILLIAMS SAID THAT THEY DROVE AROUND IN PISGAH VIEW IN THE VAN JUST BEING COOL. HE SAID THAT HE GOT HIGH AND GOT A RIDE FROM A GIRL TO HIS DAD'S APARTMENT, WHICH HE ADVISED IS LOCATED AT ASTON TOWERS, AND STAYED THE NIGHT. WILLIAMS SAID THAT IF DETECTIVES CHECKED THE VIDEO SURVEILLANCE CAMERAS IT WOULD PROVE HE WAS AT HOME.

LATER, DURING THE INTERVIEW, WILLIAMS SAID THAT HE OVERHEARD KENNY, MAN AND DETROIT TALKING ABOUT GETTING SOME MONEY. WILLIAMS SAID THAT THEY ACTED LIKE THEY DID NOT WANT HIM TO HEAR WHAT THEY WERE TALKING ABOUT. WILLIAMS SAID HE DIDN'T SEE ANY GUNS AND THAT THEY STARTED MAKING FUN OF HIM THEREFORE, HE GOT MAD AND LEFT. WILLIAMS SAID HE KNEW SOMETHING WAS GOING ON BUT HE WAS NOT INVOLVED.

AS THE INTERVIEW CONTINUED WILLIAMS BECAME EMOTIONAL AND SAID THAT KENNY AND MAN DID THE BREAK-IN AT PISGAH VIEW. WILLIAMS SAID THAT KENNY TOLD HIM THAT THEY GOT THREE 2.00-DOLLAR BILLS. WILLIAMS SAID THAT HE DID NOT PARTICIPATE IN THE BREAK IN AND THAT LEWIS SHOULD KNOW HE WOULDN'T DO IT. WILLIAMS SAID HE HAS KNOWN KENNY FOR ABOUT 3 YEARS, MAN FOR ABOUT 6 YEARS, AND DETROIT FOR ABOUT A 1/2. WILLIAMS SAID THAT DETROIT STAYS WITH HIS GIRLFRIEND'S (DEEA JOHNSON) GRANDMOTHER ON HWY 191. WILLIAMS DESCRIBED THE GRANDMOTHER AS BEING WHITE. WILLIAMS SAID THAT HE HAD SCREWED DEEA WHILE DETROIT WAS GONE LAST YEAR. WILLIAMS SAID THAT MAN'S GIRL IS MAXINE AND SHE IS 26 YEARS OF AGE AND SHE HAS A SON THAT IS 6 YEARS OLD AND THEY RESIDE AT APARTMENT 8 B IN PISGAH VIEW



(2)

SHERIFF BOBBY MEDFORD ENTERED THE INTERVIEW ROOM AND AFTER A FEW MOMENTS EXITED AND ADVISED THAT WILLIAMS HAD CONFESSED TO HIS INVOLVEMENT. DETECTIVES RE ENTERED THE INTERVIEW ROOM AND WILLIAMS THEN TOLD INVESTIGATORS THAT HE HAS NOT BEEN HONEST AND SAID HE GOT UP WITH KENNY, MAN AND DETROIT AT APPROX. 2 OR 3 ON THE 18<sup>TH</sup> AND RODE AROUND IN THE VAN SMOKING BLUNTS AND WATCHING MOVIES. WILLIAMS SAID WHILE IN PISGAH VIEW THEY PICKED UP TWO WHITE GIRLS. ONE HE KNOWS AS HANNAH AND EVERYBODY EXCLUDING HIMSELF SCREWED HANNAH. WILLIAM'S SAID THAT GIRL WAS CUTE BUT THICK AND HE WORRIES ABOUT HIS HEALTH, THEREFORE HE DIDN'T PARTICIPATE. HE SAID THEY KICKED THE GIRLS OUT WHILE STILL IN PISGAH VIEW. WILLIAMS SAID EVERYBODY STARTED KIDDING HIM FOR NOT HAVING SEX WITH THE GIRL AND AS THEY RODE AROUND MAN CAME UP WITH THE IDEA TO ROB DIRTY (SHAUN BOWMAN). WILLIAM'S SAID HE KNOWS SHAUN FOR SELLING WEED, BUT HE WAS UNSURE WHERE SHAUN LIVED. WILLIAMS SAID THAT MAN KNEW HOW TO GET TO SHAUN'S AND PROVIDED THE DIRECTIONS. WILLIAMS SAID THEY STARTED RIDING AND HE IS UNSURE HOW THEY GOT THERE BECAUSE HE WAS IN THE BACK WATCHING MOVIES. WILLIAM'S SAID THAT AS THEY PULLED UP THAT MAN SAID, "LETS DO IT" AND THEY JUMPED OUT. WILLIAMS SAID MAN HAD A 45 AND DETROIT HAD THE SHOTGUN. WILLIAMS SAID THAT KENNY NOR HIMSELF HAD A GUN. WILLIAMS SAID THAT MAN WAS FIRST OUT OF THE VAN AND THAT MAN COCKED HIS GUN WHILE EXITING THE VEHICLE. HE SAID KENNY WAS NEXT THEN DETROIT AND HIMSELF. WILLIAMS SAID THAT THEY WERE ALL WEARING BLACK AND THAT MAN WAS WEARING A BANDANNA. WILLIAM'S SAID THAT WHEN THEY GOT TO THE DOOR HE GOT SCARED AND RAN BACK TO THE VAN. AS HE WAS RUNNING, HE HEARD A GIRL SCREAM AND A GUNSHOT. WILLIAMS SAID THEY CAME RUNNING BACK AND MAN SAID, "THE MOTHER FUCKER IS DIED" AND "GET THE FUCK OUT OF HERE" SO THEY PEELED OUT IN THE VAN. WILLIAMS SAID THAT THEY WERE DRIVING REAL FAST DOWN THE HIGHWAY AND EVERYBODY WAS PARANOID. WILLIAMS SAID HE DIDN'T SEE ANYTHING THROWN FORM THE VEHICLE. WILLIAMS SAID THAT MAN HAD BLOOD ON HIMSELF AND THEY GOT NOTHING BUT BLOOD FROM THE ROBBERY. WILLIAMS SAID THAT HE HATED THE MAN GOT SHOT AND IF HE HAD KNOWN WHAT WAS GOING TO HAPPEN HE WOULDN'T OF GONE.

WILLIAMS SAID THEY WERE GOING TO ROB SHAUN AND THEY THOUGHT THEY WERE GOING TO GET 100G'S. WILLIAMS SAID MAN SAID THAT SHAUN (DIRTY) GOT ROBBED LAST MONTH FOR 85G'S AND A KILO. WILLIAMS SAID HE DIDN'T BELIEVE THAT THEY WERE GOING TO GET 100G'S BUT IF THEY HAD HE GUESSED THEY WOULD HAVE SPLIT THE MONEY 25 G'S EACH. WILLIAMS SAID THAT MAN TALKED A LOT ABOUT ROBBING PEOPLE. WILLIAMS SAID THAT JAIL IS NOT FOR HIM AND THAT HE NEEDED TO BE IN SCHOOL AND OFF OF THE STREET. WILLIAMS SAID HE DIDN'T FEEL BETTER ABOUT TELLING THE TRUTH BECAUSE HE WAS STILL GOING TO JAIL.

WILLIAMS SAID THEY TOOK HIM TO SOUTH FRENCH BOARD AVE AND MAN TOLD HIM THAT HE DIDN'T KNOW ANYTHING. WILLIAMS SAID THAT HE TOLD HIS DAD THAT HE DIDN'T SHOOT THE MAN. WILLIAMS SAID HE SAW MAN AND DETROIT THE NEXT DAY IN PISGAH VIEW AND THEY TALKED FOR ABOUT 20 MINUTES AND SMOKED BLUNTS. WILLIAMS SAID THAT HE DIDN'T SEE ANY GUNS BUT THAT MAN TOLD HIM HE DIDN'T KNOW ANYTHING AND HE WAS AFRAID THAT THEY WERE GOING TO JUMP HIM.

WILLIAMS SAID HE DIDN'T TELL BECAUSE OF JAIL AND HE WAS SCARED. WILLIAMS SAID HE SOLD DRUG SOMETIMES AND THAT WHEN HE DID HE GOT THEM FROM AL KEMP. WILLIAMS SAID THEY LOOKED AT ROBBERIES LIKE TAKING CANDY FROM A BABY. WILLIAMS REQUESTED TO SPEAK WITH DETECTIVE WEAVER AND CONSTANCE AND MOORE EXITED THE INTERVIEW ROOM.

AFTER A FEW MINUTES WEAVER EXITED THE ROOM AND ADVISED WILLIAMS TOLD HIM HE LIED. WEAVER, CONSTANCE AND MOORE REENTERED THE INTERVIEW ROOM AND WILLIAMS STATED HE LIED BECAUSE HE WAS SCARED. WILLIAMS SAID THAT HE WAS NOT PRESENT DURING THE HOMICIDE. WILLIAMS SAID HE HAD BEEN WITH KENNY, DETROIT AND MAN IN THE VAN BUT HE WAS NOT WITH THEM DURING HOMCIDE.

### **Wanda Holloway Third Statement**

Ten days after the murder, On September 28, 2000, Wanda Holloway gave another statement to detectives. This time, she said that Shaun Bowman and Tony Gibson had been present during the invasion and murder. She wrote that while she was calling 911, “Shawn Bowman was telling Tony Gibson they had to go and find out who did this to his father so they left.”<sup>55</sup>

### **Witnesses at the Gas Station**

On September 28, 2000, detectives interviewed a witness named Jason Cope. Cope had been at the Amoco gas station on Highway 74 the night of the murder. He said that around 11:30 p.m. (give or take five minutes) three black males acting in a “strange manner” pulled into the gas station in a late 70s early 80s light blue slightly beat up Buick or Oldsmobile with a white cream top and four doors. It had a V8 engine and was noisy when idling. It had four lights in the front and one on the driver’s side was out. The car had regular hubcaps.<sup>56</sup>

Jason Cope said the driver pumped gas and carried something to the trunk while the two passengers went into the store and one went to the bathroom. They had come in from the direction of Fairview and left quickly in the direction of Asheville. One of the men was 5’5” to 5’8” and weighed about 130 pounds. He had on a black shirt, dark pants, dark tennis shoes, and short hair. One of the passengers was 5’10” to 6’1” and was skinny with long arms. He had on a red and blue windbreaker, baggy blue jeans, tan work boots, and was wearing a black bandana. The driver was about the same height as the tall man, but bigger. He had on a baseball cap and

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<sup>55</sup> Statement of Wanda Holloway, 9/28/00

<sup>56</sup> Statement of Jason Cope, 9/28/00 and BCSO report, interview of Jason Cope, undated.



tan work boots.<sup>57</sup> This report does not indicate that Cope was shown a photo lineup, but other reports reference his being shown a lineup during this interview and being unable to pick anyone from the lineup.<sup>58</sup>

The next day, September 29, 2000, detectives interviewed another witness from the gas station. Jack Holland worked at a tire store and was at the Amoco gas station on the night of the murder. Holland said that three black males came into the station around 11:30 p.m. and were “suspicious acting.” He was shown photo lineups and could not pick anyone, but said two of the individuals in the lineups looked like the ones he saw on the night of the murder, but that he could not swear it was them. He said the car was a mid-80s Buick Skylark squire model. He thought it had an off white top with dark or blue colored bottom. Holland said the car was not lowered or anything unusual, just a regular car.<sup>59</sup>

#### **Larry Williams Fourth Interrogation**

On September 28, 2000 at 6:57 p.m., Larry Williams was interrogated for a fourth time by Lt. Constance and Sheriff Bobby Medford at the Buncombe County Detention Facility. Williams denied his involvement in the case and said he made his earlier statement “out of fear.” He now stated that the night of the homicide he spent the night in Wilcoxson’s van with Corey (no last name). Williams described his relationship with Wilcoxson as Wilcoxson “took care” of him (Williams). Williams said he knew of Shaun Bowman as a drug dealer, but did not know where his house was and had never been there.<sup>60</sup>

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<sup>57</sup> Id.

<sup>58</sup> BCSO Interview of Jack Holland, 9/29/00 and BCSO Interview of Jason Cope, 10/16/00..

<sup>59</sup> BCSO Interview of Jack Holland, 9/29/00.

<sup>60</sup> BCSO Interview of Larry Williams, 9/28/00, Lt. Constance and Sheriff Medford.



Williams said the day after the murder, Kagonyera came up to him and Wilcoxson and Kagonyera said he was trying to get rid of a shotgun. Williams did not see the shotgun, but would testify that Kagonyera was trying to get rid of one. The report states, “Williams became very emotional and advised that Detroit (Wilcoxson) nor himself had anything to do with the homicide.”<sup>61</sup>

### **Teddy Isbell Third Interrogation**

On September 28, 2000, Teddy Isbell was interviewed at the District Attorney’s Office by Lt. Constance and DA Moore. Isbell’s attorney was also present. Isbell recanted his earlier statement and said he had lied.<sup>62</sup> The entire interview report is included below.

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<sup>61</sup> Id.

<sup>62</sup> BCSO Report, Interview of Teddy Isbell, 9/28/00, Lt. Constance and DA Moore.



BOBBY L. MEDFORD  
BUNCOMBE COUNTY

(1)

CRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW UP INTERVIEW REPORT

Case Detective(s): Detective George Sprinkle  
Detective Mike Murphy

Reporting Detective: Detective Lieutenant Sam Constance

Case Number: 00-339072

Offense(s): Homicide, First Degree Burglary, Attempted Armed Robbery

Offense Date: September 18, 2000

Interviewed (Defendant): Teddy Lamont Isabell  
B/M, DOB: 07-24-65

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On September 28, 2000, Lt. Sam Constance and District Attorney Ron Moore interviewed Teddy Isabell at the District Attorney's Office in reference to the homicide of Rodney Bowman. Also present for the interview was Haley Montgomery, Council for Mr. Isabell.

Mr. Isabell said that he had lied when he talked to us the other night. Isabell said that he did not know why but that he had lied.

Isabell said they were two groups each of three people that wanted to rob Dirty (Shaun Bowman). Isabell said that first group consisted of Kenny K Little, Larry Williams and Jajuan Kinney's cousin. Isabell said the second group consisted of Renita's ex-boyfriend who Isabell described as having a block head, Wilton and Mans brother. Mr. Isabell said that he heard of the second group while in jail with Detriot and Little Larry. Detriot said that Law Enforcement told him they knew he had nothing to do with the homicide.

Isabell said that Tuesday night while he was in Pisgah View Jajuan said that they had dropped an ID at the scene. Isabell said that Kinney, Detriot and Little Larry went to rob the place and things got all fucked up.

Isabell said that he had a conversation with Leon Bowman (Shaun Bowman's Brother) and Leon told him that Dirty (Shaun Bowman) had a kilo and he needed someone to work for him. Isabell said that he told everyone. Isabell further said that he came up with the plan to rob Dirty and Jajuan was present when Kenny and himself were talking about it. Isabell said that on Monday he went and got a pump shotgun with a pistol grip from Matt who lives with Anita Finley and took it to Kenny at his apartment around 7:30 or 8:00 pm. Isabell said that he carried the shotgun over his shoulder while carrying it through Pisgah View. Isabell said that Kenny was the shooter and that he knew it because Little Larry told him on Saturday. Isabell said that Little Larry told him he did not do anything but Kenny had done the shooting.

Isabell said that he did not see Kenny again until Tuesday after he gave him the shotgun and Isabell said that Kenny was in a blue car.

Isabell said that he gets his information from the street and that he knows a shotgun was used during the crime because Leon Bowman told him.

Isabell said that he was in Pisgah View apartments when the crime was committed smoking cocaine with Leon Bowman.

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Isabell said that Kenny wanted a gun because Louis was looking for him for breaking into his apartment. Isabell said he saw Louis early and he indicated that he was carrying a gun. Isabell said Louis thought that Kenny, Man and Little Larry did the break in but Kenny, Man and Damian actually did the crime. Isabell said that Damian stabbed Wessel in Arden. Isabell further said that when they did the B&E they wore bandanas. Isabell said that he knew this because he saw them do the B&E. Isabell said that Jujuan always wears a bandana.

Isabell again said that he had nothing to do with the homicide and when questioned about why he told his mother, wife and friend, Isabell said he wanted them to feel sorry for him and he wanted to be big.

Isabell continued to deny his involvement in the homicide but was unable to explain why he had confessed to the crime.

Interview was terminated.

### **Wilcoxson Polygraph**

On October 4, 2000, Robert Wilcoxson submitted to a polygraph examination at the SBI. The test was ruled inconclusive.<sup>69</sup> The Commission has not been able to locate the polygraph report and it is not known what questions were asked.

On November 9, 2000, Kagonyera submitted to a polygraph through his attorneys. The Commission has been unable to locate any report for this polygraph, but the attorneys' notes indicate that Kagonyera's responses were deceptive. It is not clear what questions were asked of Kagonyera, but the attorneys' notes tend to indicate that the questions were whether Kagonyera had ever been to the Bowman home, was in the Bowman home during the shooting, was the shooter, or fired a shotgun inside the home.<sup>70</sup>

### **Antonio Hayes Interview**

On October 5, 2000, deputies acted on a Crime Stoppers tip to locate Shaun Bowman, but were unsuccessful. They did pick up a man named Antonio Hayes for outstanding warrants and Mr. Hayes told them, "We had the right ones in custody that were involved in the death of Walter Bowman. Aaron Brewton was the only one of these suspects that knew where the house in Fairview was. Aaron was taken there by one of Renita's (Wanda Holloway) friends." It is unclear if Hayes was relating direct information or information he had heard from others.<sup>71</sup>

### **Leon Bowman Interview**

On October 6, 2000, deputies acted on another Crime Stoppers tip to locate Shaun Bowman and instead found his brother, Leon Bowman. Leon Bowman told officers that he did

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<sup>69</sup> BCSO Report, 10/4/00, Det. Murphy

<sup>70</sup> Handwritten notes from file of Al Messer.

<sup>71</sup> BCSO Report, Interview of Antonio Hayes, 10/5/00.



not see Teddy Isbell on the night of the murder nor did he tell Isbell that Shaun Bowman had drugs. Leon Bowman said that Isbell was a “smoker” and worked on cars for Kagonyera. Leon Bowman described Larry Williams as Wilcoxson’s “boy.” Leon Bowman also stated that after the homicide, a red van drove by him and someone displayed a handgun out the window. He felt they were trying to intimidate him. He stated that it was the van that Wilcoxson, Williams, and Kagonyera ride around in.<sup>72</sup>

### **Kagonyera’s Vehicle**

On October 6, 2000, deputies went to Kagonyera’s grandmother’s home. They discovered a light blue four-door 1983 Chevy Impala with fictitious tags and chrome wheels parked near the home. They searched Kagonyera’s property and car and located no firearms or items of interest. Kagonyera’s grandmother told deputies that Kagonyera and Damian Mills rode around in the car and were in it all day on the day of the murder.<sup>73</sup>

### **Larry Williams Fifth Interrogation**

On October 10, 2000, Det. Murphy met with Larry Williams for a fifth time and Williams signed a rights waiver, but “did not want to discuss his case without his attorney.” The detective asked him to consent to a DNA test and “Larry was very responsive to my request and signed the consent form without hesitation.”<sup>74</sup>

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<sup>72</sup> BCSO Report, Interview of Leon Bowman, 10/6/00

<sup>73</sup> BCSO Report, search of 46 White Fawn Drive, 10/6/00.

<sup>74</sup> BCSO Report, DNA collection of Larry Williams, 10/10/00.

### **Teddy Isbell Fourth Interrogation**

On October 10, 2000, officers interviewed Teddy Isbell for a fourth time with his attorney present. Isbell said that Kagonyera told him that he (Kagonyera) had tried to commit suicide. Isbell told Kagonyera that he had implicated them both. Kagonyera said, “let’s look out for each other.” Isbell said he would plead the fifth over anything else, but consented to a DNA test.

### **Damian Mills First Interrogation**

On October 11, 2000, an ATF agent told detectives that Damian Mills had purchased a shotgun similar to the one described by witnesses in the murder.<sup>75</sup> On the same day, detectives interviewed Damian Mills. Mills stated he and Kagonyera are cousins and they hang out. He said he knew the other guys, but not well. He said he knew nothing about the murder or the Victim.

The report says, “He knows it wasn’t him and states he would take any test too [*sic*] clear his name, polygraph gram [*sic*] or whatever it takes.” Mills said he doesn’t have any guns and hasn’t seen Kagonyera with guns. He had been staying in Brevard, NC and was not with Kagonyera on the day of the murder. Mills said that the blue car located at Kagonyera’s house does belong to Kagonyera. Mills voluntarily provided a DNA sample.

### **Larry Williams Sixth Interview**

On the same day, Larry Williams requested a meeting with detectives. He told detectives that he had heard in jail that Damian Mills was involved in the murder. He had heard this from

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<sup>75</sup> BCSO report, information from ATF agent, 10/11/00, Det. Murphy.

an inmate named “Little Roy” and Little Roy was giving “details about the murder. These details were just as Sheriff Medford had told Larry.”<sup>76</sup>

### **Aaron Brewton Third Interrogation**

On the same day, detectives interviewed Aaron Brewton for a third time at the Buncombe County Detention Facility. Brewton’s only statement was that Robert Wilcoxson had been driving by his (Brewton’s) girlfriend’s house and making threats. Brewton voluntarily provided a DNA sample.<sup>77</sup>

### **Neighborhood Canvas**

On October 12, 2000, detectives conducted another canvas of the Victim’s neighborhood. A man named Emerson Carver said he and a friend were outside in his workshop when they heard a gunshot and saw an older model car speed off headed in the direction of U.S. 74. Ten minutes later, they saw an ambulance arrive.<sup>78</sup>

A woman named Beth Cox said that her 16 year-old son Matthew, heard a loud noise and saw two black men running up the street. Detectives said they would contact Matthew at school. Other neighbors said they saw nothing, but that the house had a lot of people coming and going all the time and they regularly saw two black men walking the dogs.<sup>79</sup>

The next day, detectives spoke to Matthew Cox at his school. Cox stated that he lives next door to the homicide scene. That night he was watching a football game and around 11:10 p.m. he heard the dogs barking and went outside. He saw headlights up the road and he saw a

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<sup>76</sup> BCSO Report, interview of Larry Williams, 10/11/00.

<sup>77</sup> BCSO Report, interview of Aaron Brewton, 10/11/00.

<sup>78</sup> BCSO Canvass Reports, 10/12/00 Dets. Sprinkle and Murphy.

<sup>79</sup> Id.

tall black man running. He thinks he saw a second shorter black male running too. They ran by his home. He went back inside his home and looked out the window. He saw the car driving by in a hurry and 15 minutes later the ambulance came.

Mr. Cox said he could not identify the men other than to say they had on dark clothing. He thinks the car was an older model four-door car, possibly a Chevy Impala type. He thought he had seen the vehicle at the residence in the past. The report says, “He states that the black guy named in the photo has been their [*sic*] with the dogs.”<sup>80</sup> It is unknown what photo the officers showed Cox.

## **Second Interview of Gas Station Witnesses**

On October 16, 2000, Detective Sprinkle again met with Jason Cope, one of the witnesses from the gas station. The report states the purpose of the interview was to “show him the suspect photo lineups with some new faces and some of the old ones, I also wanted him to look at the suspect motor vehicle also [*sic*] to see if this might have been the to the one he saw.”<sup>81</sup> It appears the detective was showing Cope photos of Kenneth Kagonyera’s car. Cope pointed to Kenneth Kagonyera’s photo as “possibly” the driver of the car. He also picked Teddy Isbell, but said these looked close to the people, but he couldn’t be sure. When he was shown a photo of the car, he said he may have been mistaken about his original impression that the vehicle had a white top, but he wasn’t sure.<sup>82</sup> Kagonyera’s car did not have a white top.

On October 18, 2000, detectives met again with the other witness from the Amoco station, Jack Holland. He was shown photo lineups and only picked Kenneth Kagonyera as looking familiar. He said the car had a white top that was vinyl and ripped in a few places, in

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<sup>80</sup> BCSO report, interview of Matthew Cox, 10/13/00.

<sup>81</sup> BCSO Report, Interview of Jason Cope, 10/16/00, Det. Sprinkle and handwritten notes.

<sup>82</sup> *Id.*



rough condition, and discolored. The car was blue and long. It might have been a Buick Skylark or LaSabre. It was not lowered, just a plain car. He looked at the photos of Kenneth Kagonyera's car and stated that it was not the car. He said it was longer and more pointed in front.<sup>83</sup>

### **Jail Informants**

During the investigation, various informants emerged with different information related to the homicide. All of their statements will be included in this brief. In the month of October 2000, two informants came forward from the Buncombe County Detention Facility.

On October 18, 2000, detectives interviewed a jailhouse informant at the District Attorney's Office. [REDACTED] was in custody on unrelated charges and told detectives he had information about this case. [REDACTED] said that Williams and Kagonyera confessed to him and that he was willing to testify.<sup>84</sup>

On October 25, 2000, detectives interviewed inmate Glenda Belton who was being held on a probation violation. Ms. Belton stated that the night of the murder, Wilcoxon tried to pass her a "hot" gun.<sup>85</sup>

The statement written by [REDACTED] is included below, along with a summary of [REDACTED] statement written by Det. Murphy. One page of [REDACTED] handwritten statement is cut off in all copies provided to the Commission. The report of the interview of Glenda Belton is also included below.

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<sup>83</sup> BCSO Report, Interview of Jack Holland, 10/18/00, Dets' Sprinkle and Murphy.

<sup>84</sup> BCSO Report, Interview with [REDACTED], 10/18/00

<sup>85</sup> BCSO Report, Statement of Glenda Belton, 10/25/00.

Kenny Statement

Saturday

10-21-00

After dinner

5:15. - Me and Kenny was cleaning the shower, and I was talking to him about the murder of Rodney Bowman. I used trick tactic to find out how much he really knew about the attempt robbery and murder. He really opens up to me and tell me Detroit, Harry, Teddy, and Detroit's cousin were the ones there. He says he didn't hang around Detroit and didn't really like him. He told me that on the day Rodney got murdered, that Detroit pulled up and told him that he was going to go fight some pit bulls with Shawn at his house earlier that day. He said that Harry was with Detroit at that time. He stated that they had a <sup>not crazy</sup> busy war, and that a couple of people was in the back but he really couldn't tell who they were. He also stated that a couple of days after the murder, that Shawn Bowman and Kenny and two others that was with Shawn, was walking through Pigah View at night, looking for Detroit. He told me that Shawn and them was in a white H door car. He told me

5:30

and that he had heard that Harry  
ran from the house to the van. Kenny  
stated that he didn't have nothing to  
do with it and that he was with his  
girlfriend. He also stated that Detroit has  
some 45's and a 12 gauge massberg. He also  
stated that Harry and Detroit hung real  
"tight" and that Detroit cousin went back  
to Detroit after the murder. I kept  
asking him who Detroit cousin was, but  
he said he didn't know. Kenny was about  
to tell me something else, but the guard  
told us to go to our rooms.



BOBBY L. MEDFORD  
BUNCOMBE COUNTYCRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW-UP REPORT

Case Detective: SPRINKLE - 512, MURPHY - 517

Reporting Detective:  
(if different)

Case Number: 00-339072

Offense(s): HOMICIDE

Victim: WALTER RODNEY BOWMAN  
DOB: 08-17-1949Defendant:  
DOB:

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ON 10-18-2000, DET. SPRINKLE AND MYSELF (DET. MURPHY) INTERVIEW A BLACK MALE NAMED MILLIS BRYSON IN RON MOORE'S OFFICE REGARDING THIS CASE. MILLIS WAS IN CUSTODY ON UNRELATED CHARGES AND HAD INFORMATION ABOUT THIS CASE. THIS INTERVIEW BEGAN AT 10:00 AM.

## MILLIS BRYSON STATES:

KENNY KAGONYERA, LARRY WILLIAMS, AND TEDDY ISBELL DID THIS CRIME THAT THIS WAS A ROBBERY ATTEMPT GONE BAD THAT HE DOES NOT BELIEVE THAT AARON BREWTON WAS THERE LARRY WILLIAMS IS THE KEY TO WHAT HAPPENED AT THIS HOUSE, AND LARRY TOLD MILLIS ALL ABOUT THIS CRIME ON 4-WEST IN THE BUNCOMBE COUNTY DETENTION CENTER WHILE THEY WERE BOTH IN CUSTODY. MILLIS WAS IN THE BUNCOMBE COUNTY DETENTION CENTER ON A WRIT FROM DOC HE WAS BROUGHT TO BUNCOMBE COUNTY THIS PAST THURSDAY AND BEGAN TALKING TO LARRY ON FRIDAY MORNING LARRY SAID THAT KENNY WAS WEARING A BANDANA AND GLOVES, AND LARRY WAS WEARING GLOVES MILLIS SAYS HE WAS LATER PLACED ON 5-EAST WITH KENNY AND KENNY TOLD HIM ALL ABOUT THE ROBBERY BUT DID NOT SAY HE WAS THERE KENNY SAID THAT LARRY WAS TELLING EVERYTHING AND THAT HE WOULD GET LARRY KENNY WILL NOT FIGHT ANYONE HE WOULD JUST SHOOT THEM LARRY SAID THAT ONE OF THESE GUYS WAS NOT WEARING GLOVES AND THIS WAS DETROIT "DIRTY" IS SHAUN AND HE HAS TATTOOS ON HIS ARMS HE WAS TOLD THAT THE SUSPECTS DRAGGED RENITA OUT THE DOOR STREET RULES OF ENGAGEMENT ARE AT LEAST FOUR PEOPLE LARRY SAYS THAT KENNY SHOT THRU THE DOOR LARRY SAID THE GAGE (SHOTGUN) MAY BE IN PISGAH VIEW APTS. IN TISHA'S APT. SHAUN KNOWS EVERYTHING ABOUT THIS SHAUN HAS HIS BOYS FROM GREENSBORO AND CHARLOTTE THAT WILL COME UP HERE AND TAKE CARE OF BUSINESS SHAUN IS PLOTTING NOW ABOUT GETTING REVENGE ON THESE GUYS SHAUN MAKES AS MUCH AS \$5000.00 PER NIGHT SELLING DRUGS IN KLONDIKE APTS. MILLIS STATES THAT HE WOULD BE WILLING TO TESTIFY TO THESE STATEMENTS

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BOBBY L. MEDFORD  
BUNCOMBE COUNTYCRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW-UP REPORT

Case Detective: DET. GEORGE SPRINKLE

Reporting Detective: N/A  
(if different)

Case Number: 339072

Offense(s): MURDER

Victim: WALTER BOWMAN  
DOB: 8-17-49Defendant: N/A  
DOB: N/A

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ON 10-25-00 I ALONG WITH DET. FOREST WEAVER OF THE ASHEVILLE POLICE DEPT. MET WITH POSSIBLE WITNESS GLENDA ANN BELTON AFTER RECEIVING INFORMATION SHE MIGHT KNOW SOMETHING ABOUT THIS CASE. SHE WAS IN CUSTODY AT THE BUNCOMBE DETENTION CENTER BEING HELD ON A VIOLATION OF PROBATION WARRANT. SHE STATES THAT ON THE NIGHT THAT VICTIM WALTER BOWMAN WAS SHOT AND KILLED DURING THE EARLY MORNING HOURS OF TUESDAY AT APPROX. TWO AM SHE WAS IN PISGAH VIEW APTS WHEN SHE WAS APPROACHED BY A BOY THEY CALL DETROIT, HE WAS DRIVING A RED AND SILVER COLORED VAN, SHE STATES HE ATTEMPTED TO GIVE HER A HAD GUN, SHE STATES HE TOSSED IT TO HER AND SHE STATES THAT SHE THREW IT BACK INTO THE VAN, SHE TOLD HIM SHE DIDN'T WANT IT AND HE TOLD HER HE NEEDED TO GET RID OF IT BECAUSE IT WAS HOT. SHE STATES THAT A KID NAMED LITTLE LARRY WAS WITH HIM BUT WAS ASLEEP IN THE VAN, SHE STATES THAT HE ALSO ASKED HER IF SHE HAD ANY DVD MOVIES BUT SHE DIDN'T HAVE ANY. SHE STATES THAT THEY LEFT AFTER THAT. SHE STATES THE NEXT DAY SHE HEARD THAT THEY HAD SHOT HOT ROD WHICH IS VICTIM WALTER BOWMAN'S NICK NAME. SHE STATES THAT THIS IS THE SECOND TIME THEY HAD ATTEMPTED TO ROB HOT ROD, SHE STATES THAT APPROX. SIX MONTHS AGO THAT KENNY, DETROIT, AND LITTLE LARRY HAD WENT OUT TO THAT HOUSE IN FAIRVIEW AND BROKE INTO IT AND GOT A LARGE SOME OF MONEY AND ABOUT ONE HALF KEY OF DOPE AND WAS SELLING IT SO CHEAP OVER IN THE APT. COMPLEX THEY WERE GIVING IT AWAY AT THE PRICES THEY WERE ASKING, SHE EVEN GOT SOME. SHE STATES THAT SHE HEARD THAT TEDDY ISBELL DROVE KENNY'S CAR OUT THEIR AND THEY WERE GOING TO GIVE HIM SOME STUFF TO HELP THEM, ALSO THAT SHE SAYS THEY TOOK THE VAN. WHEN ASK ABOUT KNOWING IF MAN WENT AKA ARRON BREWTON SHE DIDN'T HEAR HIS NAME BROUGHT UP, SHE STATES HE DOESN'T HANG WITH THESE BOYS MUCH. WHEN ASK ABOUT THE GUN AGAIN SHE STATES THAT IT WAS BIG AND WAS AN AUTOMATIC AND WAS GREY IN COLOR SHE STATES THAT DETROIT SAID IT WAS A 45.

### **Freddie Wadsworth Interview**

In October 2000 (the report is undated), detectives interviewed a man named Freddie Wadsworth. Wadsworth was the father of Kagonyera's girlfriend, Latisha Lee. Wadsworth told officers that his other daughter, Anita Finley and her boyfriend kept a shotgun that belonged to Kenneth Kagonyera. Wadsworth said the gun was not used in the murder because Finley had it under her mattress while she was sleeping that night. Wadsworth did say that "they" were at his daughter's prior to the crime and "they" were talking about robbing Shaun Bowman.<sup>86</sup>

The report of Wadsworth's interview is included below.

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<sup>86</sup> BCSO Report, Interview of Freddie Wadsworth, date not noted.



BOBBY L. MEDFORD  
BUNCOMBE COUNTY

CRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW UP INTERVIEW REPORT

CASE DETECTIVE(S): DETECTIVE GEORGE SPRINKLE  
DETECTIVE MIKE MURPHY

REPORTING DETECTIVE: LT. SAM CONSTANCE

CASE NUMBER: 00-33972

OFFENSE(S): HOMICIDE

VICTIM: WALTER RODNEY BOWMAN

INTERVIEWED: FREDDY WADSWORTH

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ON OCTOBER , 2000 DETECTIVE JOHN ELKINS AND LT. SAM CONSTANCE INTERVIEWED FREDDIE WADSWORTH AT THE BUNCOMBE COUNTY SHERIFF'S DEPARTMENT IN REFERENCE TO THE HOMICIDE OF WALTER RODNEY BOWMAN. WADSWORTH VOLUNTARILY CAME TO THE SHERIFF'S OFFICE UPON THE REQUEST OF LT. CONSTANCE.

WADSWORTH ADVISED THAT HE WAS FAMILIAR WITH A SHOTGUN THAT BELONGED TO KENNY KAGONYERA BECAUSE HIS DAUGHTER, ANITA FINLEY AND HER BOYFRIEND MATT, KEEP THE GUN FOR KENNY. WADSWORTH DESCRIBED THE SHOTGUN AS BEING BLACK IN COLOR, HAVING A PISTOL GRIP AND SOMETHING UNUSUAL ON THE BARREL. WADSWORTH SAID HE DID NOT BELIEVE THE GUN WAS USED IN THE HOMICIDE BECAUSE HIS DAUGHTER ADVISED HIM IT WAS UNDER THE MATTRESS IN HER ROOM AND SHE WAS SLEEPING, THEREFORE; NO ONE COULD HAVE GOTTEN TO THE GUN. WADSWORTH DID ADVISE THAT THEY WERE AT HIS DAUGHTER'S PRIOR TO THE CRIME AND WERE TALKING ABOUT ROBBING SHAUN AND THAT THEY WANTED MATT TO GO WITH THEM BUT HE DECLINED. WADSWORTH FURTHER STATED THAT HE THOUGHT HE COULD TALK MATT INTO TURNING THE SHOTGUN INTO LAW ENFORCEMENT AND THAT THE SHOTGUN HAD BEEN MOVED FROM PISGAH VIEW APARTMENTS.



### **Kenneth Kagonyera Second Interrogation**

On October 20, 2000, Det. Sprinkle interviewed Kenneth Kagonyera for a second time at the Buncombe County Detention Facility. Kagonyera said that on the day of the murder he went to court and was home with his girlfriend Latisha Lee. He said he did not go anywhere because he knew the “law was looking for him on the house break-in he was charged with.” He did not deny knowing where the Victim’s home was, but said he wasn’t there that day and people who say he was are lying or making a mistake. He said his car had a flat tire that day and he had to get Teddy Isbell to fix it. He said he would take a polygraph test. He voluntarily provided a DNA sample.<sup>87</sup>

### **Shaun Bowman Interview**

On October 23, 2000, officers located Shaun Bowman and interviewed him twice at the Buncombe County Detention Facility. Mr. Bowman also provided a written statement. The statement and interview reports are included below.

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<sup>87</sup> BCSO Report, Interview of Kenneth Kagonyera, 10/20/00

BOBBY L. MEDFORD  
BUNCOMBE COUNTYCRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW-UP REPORT

Case Detective: SPRINKLE - 512, MURPHY - 517

Reporting Detective:  
(if different)

Case Number: 00-339072

Offense(s): HOMICIDE

Victim: WALTER RODNEY BOWMAN  
DOB: 08-17-1949Defendant:  
DOB:

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ON 10-23-2000, DET. SPRINKLE AND MYSELF (DET. MURPHY) INTERVIEWED SHAUN LEE BOWMAN AT THE BUNCOMBE COUNTY DETENTION CENTER ABOUT THE EVENTS LEADING UP TO THE MURDER OF HIS FATHER. THIS INTERVIEW STARTED AT 16:30 HRS.

SHAUN LEE BOWMAN STATES:

THE NIGHT THIS HAPPENED RENITA, TONY GIBSON, AND HIMSELF WERE WATCHING THE FOOTBALL GAME ON TV  
THESE GUYS CAME BURSTING INTO THE HOUSE AND PUT A SHOTGUN IN SHAUN'S FACE AND TOLD HIM TO GET DOWN AND HE WOULD NOT GET DOWN.  
HE STRUGGLED WITH THE GUY THAT HAD THE SHOTGUN  
THERE WAS AT LEAST FOUR GUYS THERE  
"MAN" AARON BREWTON WAS ONE OF THESE GUYS  
SHAUN DID PICK AARON BREWTON FROM A PHOTO LINEUP AT APPROX. 17:00 HRS.  
SHAUN STATED THAT HE KNEW THE STREET NAMES OF THESE GUYS THE WERE MAN, KENNY, LARRY, AND DETROIT  
AARON BREWTON IS THE ONLY ONE THAT HE KNOWS PERSONALLY AND THE ONE THAT KNEW WHERE SHAUN LIVED  
AARON HAS BEEN TO THE HOUSE ON A FEW OCCASIONS WITH ALVIN STONE  
SHAUN SAYS THE GUY WITH THE SHOTGUN WAS A LIGHT SKINED BLACK MALE WEARING A BANDANA  
HE LEFT THE RESIDENCE WITH TONY  
TONY DROPPED HIM OFF AROUND PLAYWORLD ON MERRIMON AVENUE IN TONY'S BLACK WORK TRUCK  
THE GUY WITH THE SHOTGUN ALSO HAD ON GLOVES  
"MAN" KEPT SWINGING HIS GUN AND TRYING TO TURN HIS FACE AWAY  
KENNY CAME THRU THE DOOR WITH THE SHOTGUN  
SHAUN THINKS DETROIT WAS THE TRIGGER MAN  
SHAUN IS WELL AWARE OF HIS STATEMENTS AND IS AWARE THAT HE WILL HAVE TO TESTIFY IN THIS CASE  
SHAUN WAS MADE AWARE BY CAPTAIN-RICKMAN THAT THESE GUYS WERE GOING TO BE CHARGED WITH THIS  
SHAUN TURNED HIMSELF IN TO THE DETENTION CENTER ON UNRELATED CHARGES  
SHAUN STATES THAT HE WOULD NOT HAVE TURNED HIMSELF IF HE WAS NOT READY TO GET THIS TAKEN CARE OF  
HE HASN'T SPOKEN WITH HIS BROTHER LEON IN ABOUT 8-9 MONTHS



BUNCOMBE COUNTY SHERIFF'S DEPARTMENT  
STATEMENT FORM

NAME: Shawn Lee Bowman DOB: 8-4-75 AGE: 25 OCA: \_\_\_\_\_  
ADDRESS: 74 Church Rd. PHONE: work \_\_\_\_\_ home \_\_\_\_\_  
DATE: 10-23-01 TIME: 5:45 PLACE: JAIL -  
HIGHEST GRADE COMPLETED: 12<sup>th</sup> IN CUSTODY yes ☒ no ☐ ADVISED \_\_\_\_\_  
\*\*\*\*\*

TEXT  
I was sitting in the recliner in front of the television and Wanda Holloway was in the loveseat by the kitchen Tony Gibson was seated on the couch and Walter Bowman was in his bedroom. Wanda, Tony and I were watching the football game when four Black males entered the front door screaming get down get down. One of them I looked up one was pointing a shotgun in my face I reached and grabbed the gun. The another gun man put his gun to my head. While this happened Wanda ran in the kitchen then one screamed get that bitch and one ran after her. I proceeded to follow behind them. He had Wanda by the hair. He then seen me and pointed his gun at me again I pushed his hand away but then I kept asking what did they want no one said anything. A second later I heard my father open and shut his door back then I heard a loud gun shot and then ~~one~~ one of the gun man kicked my father's door. He turned around screaming I shot somebody lets go, let get out of here. As the gunmen turned to run back out the front door I ran behind them for a few steps out the door and up across the yard. The gunmen had on red and blue bandanas and one of two had on a hat. I got a good look at the gunmen. One was man little man his name Aaron, ~~son~~ Detroit, Kenny, Larry.

I, Shawn L Bowman, do hereby certify that the above statement given by me is true to the best of my knowledge and belief.  
Page \_\_\_\_ of \_\_\_\_ Signed Shawn L Bowman Date 10-23-01  
Witness GR SPRINKIE Witness DET. M.E. Murphy



CRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW-UP REPORT

Case Detective: SPRINKLE - 512, MURPHY - 517

Reporting Detective:  
(if different)

Case Number: 00-339072

Offense(s): HOMICIDE

Victim: WALTER RODNEY BOWMAN  
DOB: 08-17-1949

Defendant:  
DOB:

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ON 10-23-2000, CAPTAIN RICKMAN, SGT. CLEMENTSON, AND MYSELF (DET. MURPHY) REINTERVIEWED SHAUN LEE BOWMAN AT 19:15 HRS. AT THE BUNCOMBE COUNTY DETENTION CENTER.

SHAUN LEE BOWMAN STATES:

THERE WERE NO DRUGS OR MAJOR MONEY IN THE HOUSE  
HE AND HIS BROTHER LEON DO NOT ASSOCIATE WITH EACH OTHER  
LEON IS AN EVIL PERSON  
THESE GUYS MAY HAVE COME OUT THERE TO ROB HIM, HE DOES NOT KNOW WHY  
AARON HAS BEEN TO HIS HOUSE ONCE IN THE MORNING HOURS AND ONCE IN THE  
EVENING HOURS BOTH TIMES WITH ALVIN STONE  
HE KNOWS ONE OF THESE GUYS WAS "MAN" AARON BREWTON  
HE LET THE DOGS OUT AND ONE OF THE MALE DOGS WAS GOING CRAZY LIKE  
SOMEONE WAS IN THE BUSHES  
HE PUT THE DOGS UP AND ABOUT TWO MINUTES LATER THE GUNMEN CAME THRU  
THE DOOR  
RENITA RAN INTO THE KITCHEN THE TALL GUY WENT AFTER HER GRABBED HER BY  
THE HAIR  
SHAUN WENT AFTER HER AND THE GUY TURNED THE GUN ON HIM  
SHAUN SAYS HE KNOWS WHO THESE GUYS WERE WITHOUT A DOUBT  
HE SAYS HE DID NOT HEAR OR SEE ANY CARS  
AARON KNEW SHAUN HAD DOGS  
SHAUN SAYS THIS WAS A PUMP-SHOTGUN  
ALL THESE SUSPECTS HAD ON JEANS  
THE TALL SKINNY DUDE WAS KENNY AND HE HAD ON GLOVES  
THESE GUYS ALL KNOW WHO SHAUN IS  
LEON IS A PLUM - FOOL  
HE HAS HEARD THAT DETROIT WAS OUT OF JAIL  
DOES NOT KNOW IF RENITA OR TONY KNOW ANY OF THESE GUYS  
ONCE THESE GUYS LEFT RENITA WENT STRAIGHT TO THE DOOR AND LOCKED IT  
AGAIN SHAUN THINKS THESE GUYS CAME OVER TO ROB HIM  
HE WAS CLOSE TO AARON BREWTON'S FATHER TOMMY LITTLEJOHN THEY DID  
PRISON TIME TOGETHER  
AARON WAS A FRIEND OF ALVIN STONE

SHAUN KNOWS KENNY, LITTLE LARRY, AND DETROIT FROM THE STREETS  
ABOUT A WEEK BEFORE THIS SHOOTING HE SAW ALL FOUR OF THESE GUYS  
TOGETHER IN FRONT OF THE 39 BUILDING AT KLONDYKE APTS. IN A BLUE CAR  
SOMEONE BROKE INTO THE CHURCH ROAD HOUSE AND TOOK ABOUT \$900.00 THIS  
WAS 9-10 MONTHS AGO AND THIS WAS NOT REPORTED

## **Group B is Charged**

On October 24, 2000, detectives charged Kenneth Kagonyera, Robert Wilcoxson, Teddy Isbell, Damian Mills, Aaron Brewton, and Larry Williams with first degree murder.

### **Aaron Brewton Fourth Interrogation**

The same day, detectives interviewed Aaron Brewton for the fourth time. Brewton again denied any involvement and said he could not believe that Shaun Bowman said he was there. The report states, “He was not there when this happened. There is no way. This is not possible. He knows Shaun and has been to Shaun’s house with Alvin Stone. He is not a robber or a thief.”<sup>94</sup>

### **Larry Williams Seventh Interrogation**

On October 24, 2000 at 11:10 a.m., detectives interviewed Larry Williams for the seventh time. The beginning of the interview was described as a noncustodial interview, although Williams was brought from the Buncombe County Detention Facility to the Sheriff’s Office. Williams signed only a non-custodial interview waiver. Later, the interview was declared custodial and Williams signed a rights waiver.

The entire interview report and Williams’ written statement are included below.

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<sup>94</sup> BCSO Report, Interview of Aaron Brewton, 10/24/00



BOBBY L. MEDFORD  
BUNCOMBE COUNTYCRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW-UP REPORT

Case Detective: SPRINKLE - 512, MURPHY - 517

Reporting Detective:  
(if different)

Case Number: 00-339072

Offense(s): HOMICIDE

Victim: WALTER RODNEY BOWMAN  
DOB: 08-17-1949Defendant:  
DOB:

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ON 10-24-2000, LT. CONSTANCE, AND MYSELF (DET. MURPHY) INTERVIEWED LARRY JEROME WILLIAMS JR. ABOUT HIS INVOLVEMENT IN THIS CRIME. THIS INTERVIEW WAS DONE AT THE CRIMINAL INVESTIGATIONS DIVISION OF THE BUNCOMBE COUNTY SHERIFF'S DEPARTMENT AT 11:10 HRS.

LT. CONSTANCE ADVISED LARRY THAT THIS INTERVIEW WAS ABOUT THE MURDER OF WALTER RODNEY BOWMAN AND WHAT LARRY'S INVOLVEMENT IN THIS MURDER WAS.

LARRY STATED THAT HE HAD ALREADY TOLD EVERYTHING THAT HE KNEW AT 11:23 HRS. LT. CONSTANCE TOLD LARRY THAT HE WAS GOING TO GIVE HIM A LITTLE TIME TO THINK ABOUT IT, AND THE LIEUTENANT LEFT THE ROOM AT 11:29 HRS. LT. CONSTANCE ENTERED THE ROOM AND ADVISED LARRY THAT THIS WAS IT.

THE TIME TO TALK WAS NOW

LARRY BECAME VERY ANGRY, AND APPEARED TO BE ATTEMPTING TO WEAP.

LARRY STATED THAT PEOPLE WERE TRYING TO JAM HIM UP

LT. CONSTANCE STATED TO LARRY THAT HE HAD ALREADY TOLD ONE UNTRUTH BY SAYING THAT HE WAS AT ASTON TOWERS ON THIS NIGHT WHEN INFACIT HE WAS WITH DETROIT

LT. CONSTANCE ADVISED LARRY AGAIN OF THE STATEMENTS THAT LARRY HAD MADE AT THE JAIL ON AN EARLIER DATE ABOUT THIS MURDER

LARRY STILL CONTENDS THAT HE WAS NOT THERE

LARRY SAYS THAT HE IS AFRAID OF BOBBY MEDFORD AND RON MOORE

LARRY AGAIN ATTEMPTED TO WEAP

LT. CONSTANCE AGAIN LEFT THE ROOM

CAPTAIN RICKMAN ENTERED THE ROOM AND LARRY STATED TO HIM THAT HE THOUGHT LT. SAM WAS LYING ON HIM

LARRY WANTED TO LEAVE THIS NON-CUSTODY INTERVIEW

AT THIS TIME I PLACED LARRY INTO CUSTODY ON THE CHARGE OF FIRST DEGREE MURDER AND READ HIM HIS RIGHTS. THIS OCCURRED AT 11:55

LARRY ADVISED AT THIS TIME HE WANTED HIS ATTORNEY

CAPTAIN RICKMAN ADVISED ME TO TRANSPORT LARRY TO THE DETENTION CENTER

AT THIS TIME LARRY STATED THAT HE WANTED TO TALK ABOUT THIS CASE WITHOUT AN ATTORNEY

AT 12:10 HRS. LARRY SPOKE WITH HIS FATHER AND SGT. CLEMENTSON WITHOUT MY PRESENCE

AT 12:15 HRS. LARRY SPOKE WITH HIS FATHER ALONE  
 AT 12:28 HRS. LARRY WANTED TO TALK AGAIN ABOUT THIS CASE  
 AT 12:30 HRS. I AGAIN READ LARRY HIS RIGHTS HE THEN WAIVED HIS RIGHT TO AN  
 ATTORNEY AND WISHED TO TALK  
 LARRY'S FATHER, SGT. CLEMENTSON, AND MYSELF WERE PRESENT  
 LARRY STATED THAT HE HAD WENT TO THE TENTH GRADE IN SCHOOL  
 SGT. CLEMENTSON TOLD LARRY TO QUIT THINKING ABOUT EVERYONE ELSE IN THIS  
 CASE AND TO START THINKING ABOUT HIMSELF AND NOT TO LIE  
 LARRY JEROME WILLIAMS JR. THEN STATED:  
 HE IS NOT PROTECTING ANYONE AND HE WAS NOT THERE  
 HE SAYS THAT A GUY TOLD HIM IN THE JAIL THAT DAMIAN MILLS WAS TALKING  
 ABOUT THIS MURDER AND THAT DAMIAN WAS SCARED AND WAS HIDING OUT FROM  
 THE POLICE  
 DAMIAN WAS THERE  
 DAMIAN IS CRAZY AND CARRIES A GUN  
 LARRY SAYS HE IS AFRAID OF KENNY AND DETROIT  
 PEOPLE ARE SAYING THAT DETROIT IS OUT OF TOWN  
 HE STAYED IN THE VAN THAT NIGHT WITH CORY  
 CORY IS A LIGHT SKINNED BLACKMALE AND IS DETROIT'S COUSIN  
 LARRY MET DETROIT SOMETIME BACK IN PVA AND SMOKED BLUNTS WITH  
 HIM THEY HAD A FALLING OUT AND HAVE SINCE GOT BACK UP WITH EACH OTHER  
 HE NOW RUNS WITH DETROIT  
 KENNY IS A BIGGER DEALER THAN DETROIT  
 WHEN HE FIRST SAW THE VAN CORY WAS DRIVING IT IN PVA  
 HE AND CORY SPENT THE NIGHT OF THE MURDER IN THE VAN SMOKING BLUNTS  
 AND WATCHING MOVIES  
 HE GOT UP WITH CORY IN THE VAN  
 THEY WENT AND PICKED UP DETROIT AND WENT BACK TO PVA WHERE THEY RAN  
 INTO DETROIT'S GIRL DEA AND PICKED HER UP  
 THEY WANTED TO TAKE HIM HOME BUT HE WOULD NOT GO AND THEY ALL WENT  
 TO NANNY'S HOUSE ON BREVARD ROAD  
 LARRY SAYS THAT ON AN EARLIER DATE HE WAS IN A HOLD CELL AT THE JAIL WITH  
 KENNY AND KENNY TOLD HIM HE WAS GOING TO BEAT HIS ASS FOR WRITING  
 STATEMENTS ON THIS MURDER ABOUT KENNY  
 DETROIT WAS DRIVING THE VAN WHEN THEY WENT OUTR TO DO THIS CRIME IN  
 FAIRVIEW  
 HE WAS IN THE BACKSEAT PASSED OUT  
 KENNY TOLD HIM ON TUESDAY AFTER THE MURDER THAT HE WAS PUTTING UP THE  
 SHOTGUN  
 TEDDY, DAMIAN AND KENNY WERE ALL THERE AT THIS HOUSE  
 TEDDY TOLD LARRY'S MOM THAT HE HAD TO GET OUT OF TOWN  
 THEY DROVE KENNY'S BLUE CAR TO THIS HOUSE IN FAIRVIEW  
 LARRY SAYS HE HAS BEEN LYING TO PROTECT KENNY  
 LARRY AT THIS POINT AGAIN TRIES TO WEAP  
 SHAUN WOULD PROBABLY SHOOT HIM RIGHT NOW  
 HE WAS SITTING IN THE CAR AT FAIRVIEW WHEN TEDDY, DAMIAN, KENNY, AND  
 DETROIT ALL WENT INTO THIS HOUSE  
 HE THINKS KENNY SHOT THIS MAN  
 TEDDY WAS DRIVING KENNY'S CAR  
 DAMIAN HAD TOLD HIM THAT HE HAD BEEN TO THIS HOUSE BEFORE  
 THE SHOTGUN WAS BLACK IN COLOR  
 HE AGAIN SAYS HE DID NOT GO IN THE HOUSE  
 HE DID HEAR THE GUNSHOT  
 THE VAN WAS AT NANNY'S HOUSE  
 THEY WENT TO ROB "DIRTY" SHAUN OF HIS MONEY AND DRUGS  
 "DIRTY" WAS KNOWN TO HAVE THESE ITEMS  
 THIS WAS DAMIAN AND KENNY'S IDEA  
 THE SHOTGUN WAS TEDDY'S AND HE GAVE IT TO KENNY  
 HE DID NOT KNOW WHAT WAS GOING ON UNTIL THEY ARRIVED AT THE HOUSE IN  
 FAIRVIEW



HE DOES NOT KNOW WHO WORE THE BANDANAS OR THE GLOVES, THEY PUT THESE  
ON ONCE AT THE HOUSE  
THEY PARKED IN THE DRIVEWAY  
THEY DID NOT KNOW ABOUT ALL THESE DOGS  
DAMIAN TOLD HIM THAT SHAUN HAD BEEN ROBBED A MONTH EARLIER AND THAT  
THEY HAD GOTTEN 1/2 KEY AND \$40,000.00  
KENNY SAID THAT HE HAD SHOT HIM BUT DID NOT KNOW IF HE WAS DEAD  
KENNY WAS WEARING GLOVES AND A BANDANA  
DAMIAN WORE GLOVES AND A BANDANA  
TEDDY DROVE THEM AWAY FROM THE SCENE  
THEY WENT OUT THE BACK ROADS TO GET AWAY  
DAMIAN SAID NOBODY DON'T KNOW SHIT  
DAMIAN SAID WE NEED TO GET THESE BANDANAS UP OFF US AND THEY THREW  
THEM OUT THE WINDOW  
KENNY WENT IN WITH THE SHOTGUN  
DAMIAN HAD A HANDGUN  
THEY WERE THERE 10 TO 15 MINUTES TEDDY AND DETROIT COULD OF HAD  
HANDGUNS, HE COULD NOT TELL  
DETROIT IS KNOW TO CARRY A GUN  
TEDDY TOLD LARRY IN JAIL THAT DETROIT WAS OUT CAUSE HE HAD BEEN TELLING  
EVERYONE WHAT HAD HAPPENED  
HE NOW SAYS THAT "MAN" AARON BREWTON WAS ALSO THERE  
HE NOW SAYS THAT THERE WERE SIX OF THEM THERE INCLUDING "MAN" AND THAT  
"MAN" ALSO HAD A GUN  
ALL THESE GUYS HAD GUNS  
HE STILL SAYS THAT HE DID NOT LEAVE THE DRIVEWAY  
IN ADDITION TO KENNY'S CAR THEY ALSO TOOK THE VAN AND DETROIT WAS  
DRIVING THE VAN  
HE AND "MAN" WERE ALSO IN THE VAN  
TEDDY WAS DRIVING KENNY'S CAR, KENNY WAS IN THE FRONT AND DAMIAN WAS IN  
THE BACK  
WHEN THEY LEFT IN THE VAN GOING OUT TO FAIRVIEW HOUSE THE VAN  
FOLLOWED THE CAR  
WHEN THEY LEFT THE SCENE ON CHURCH ROAD THE VAN FOLLOWED THE CAR  
DOWN THE BACKROADS TO GET AWAY  
HE SAYS HE THINKS THE CAR TURNED INTO THE AAMOCO SERVICE STATION  
DETROIT TOOK HIM HOME  
AARON SAID HE COULD NOT BELIEVE THAT KENNY SHOT THAT MAN LIKE THAT  
AARON SAID HE COULD NOT BELIEVE HOW CRAZY KENNY WAS  
HE HAD NOT MENTIONED "MAN" BECAUSE HE WAS TRYING TO PROTECT HIM  
DEA HAD A FRIEND TAKE HER HOME FROM PVA  
THESE GUYS BROUGHT THE BANDANAS AND GLOVES WITH THEM  
ALL THESE GUYS WERE IN THE HOUSE EXCEPT FOR HIM



BUNCOMBE COUNTY SHERIFF'S DEPARTMENT  
STATEMENT FORM

NAME: Larry J Williams DOB: 3-21-84 AGE: 16 OCA: \_\_\_\_\_  
ADDRESS: 165 S. FRENCH BLVD PHONE: work \_\_\_\_\_ home \_\_\_\_\_  
DATE: 10-24-00 TIME: \_\_\_\_\_ PLACE: BCSO / CID  
HIGHEST GRADE COMPLETED: 10 IN CUSTODY yes no ADVISED \_\_\_\_\_  
\*\*\*\*\*

TEXT

Me Mann + Robert was in the van and Kenny  
w/ ~~Dan~~ and Teddy was in the car we follow them out  
there and when we got there everyone exit the w/ car and  
van but me. And Kenny and dad + ~~brother~~ had the  
gloves and bandana and the rest of them had on bandana  
and no longer then 5 min I hear a gun shot a few  
min later they were coming out to the car & van  
and we left. Then mann said I can't believe Kenny  
shot that man then ~~he~~ they were bring me home. and  
I saw the car get off on this exit then I  
went to the house

Dad is Demon Mills  
Mann is Aaron Barton w/  
Detroit is Robert  
Kenny Kungner  
Teddy isabell.

w/ \_\_\_\_\_  
Kenny had the shotgun + demon had the us and  
w/ ~~Teddy~~ Aaron Robert was the lookers

w/ Kenny own the blue car and Robert had the van.

w/ We ~~so~~ was going to me Bowman for money and drugs  
and it was Demon Idea. w/  
end of Statment

I, Larry Jerome Williams Jr, do hereby certify that the above  
statement given by me is true to the best of my knowledge and belief.

Page 1 of 1

Signed Larry Jerome Williams Jr Date 10-24-00

Witness DET. M. E. Murr

Witness Sgt. J. H. Clementon

1

BUNCOMBE COUNTY SHERIFF'S DEPARTMENT  
CRIMINAL INVESTIGATIONS BUREAU

RIGHTS ADVISAL

NAME: LARRY JEROME WILLIAMS Jr DOB: 3-21-84 AGE: 16  
ADDRESS: 165 S. FRENCH BROAD ASHEVILLE NC PHONE:         
DATE: 10-24-00 TIME: 11:55 PLACE: BCSD / CID

BEFORE WE CAN ASK YOU ANY QUESTION, YOU MUST FIRST UNDERSTAND YOUR RIGHTS!

- 1. YOU HAVE THE RIGHT TO REMAIN SILENT AND NOT MAKE ANY STATEMENTS.
- 2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT.
- 3. YOU HAVE THE RIGHT TO AN ATTORNEY AND HAVE HIM PRESENT DURING QUESTIONING. (Note: 14-17 years old, have a right to a parent, guardian, or custodian present during questioning. 13 or under, MUST have a parent, guardian or custodian present.)
- 4. IF YOU CANNOT AFFORD AN ATTORNEY, THE COURT WILL APPOINT ONE FOR YOU BEFORE QUESTIONING IF YOU WISH.
- 5. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT AN ATTORNEY, YOU STILL HAVE THE RIGHT TO STOP ANSWERING AND REMAIN SILENT, OR CONSULT AN ATTORNEY.

I HAVE READ AND UNDERSTAND MY RIGHTS, OR HAVE HAD THEM READ AND EXPLAINED TO ME, AND I KNOW WHAT I AM DOING.

SIGNED Larry J. Williams DATE 10-24-00

AFTER HAVING BEEN ADVISED OF MY RIGHTS I NOW KNOWINGLY WAIVE MY RIGHTS AND I AM WILLING TO MAKE A STATEMENT. NO THREATS OR PROMISES OR COERCION HAVE BEEN USED AGAINST ME TO INDUCE ME TO WAIVE MY RIGHTS.

SIGNED Larry J. Williams DATE 10-24-00

WITNESS \_\_\_\_\_ WITNESS \_\_\_\_\_

INTERVIEW TERMINATED AT \_\_\_\_\_ AM/PM \_\_\_\_\_ 19\_\_\_\_

(2)

BUNCOMBE COUNTY SHERIFF'S DEPARTMENT  
CRIMINAL INVESTIGATIONS BUREAU

RIGHTS ADVISAL

NAME: LARRY JEROME WILLIAMS JR DOB: 3-21-84 AGE: 16  
ADDRESS: 165 S. FRENCH BROAD PHONE: \_\_\_\_\_  
DATE: 10-24-00 TIME: 12:30 PLACE: BCSD/CID

BEFORE WE CAN ASK YOU ANY QUESTION, YOU MUST FIRST UNDERSTAND YOUR RIGHTS:

- W1. YOU HAVE THE RIGHT TO REMAIN SILENT AND NOT MAKE ANY STATEMENTS.
- W2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT.
- W3. YOU HAVE THE RIGHT TO AN ATTORNEY AND HAVE HIM PRESENT DURING QUESTIONING. (Note: 14-17 years old, have a right to a parent, guardian, or custodian present during questioning. 13 or under, MUST have a parent, guardian or custodian present.)
- W4. IF YOU CANNOT AFFORD AN ATTORNEY, THE COURT WILL APPOINT ONE FOR YOU BEFORE QUESTIONING IF YOU WISH.
- W5. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT AN ATTORNEY, YOU STILL HAVE THE RIGHT TO STOP ANSWERING AND REMAIN SILENT, OR CONSULT AN ATTORNEY.

I HAVE READ AND UNDERSTAND MY RIGHTS, OR HAVE HAD THEM READ AND EXPLAINED TO ME, AND I KNOW WHAT I AM DOING.

SIGNED Larry J Williams DATE 10-24-00

AFTER HAVING BEEN ADVISED OF MY RIGHTS I NOW KNOWINGLY WAIVE MY RIGHTS AND I AM WILLING TO MAKE A STATEMENT. NO THREATS OR PROMISES OR COERCION HAVE BEEN USED AGAINST ME TO INDUCE ME TO WAIVE MY RIGHTS.

SIGNED Larry J Williams DATE 10-24-00

WITNESS [Signature] WITNESS DET. M. E. Murphy

INTERVIEW TERMINATED AT 3:30 AM/PM OCT. 24, 2000



BUNCOMBE COUNTY SHERIFF'S DEPARTMENT  
CRIMINAL INVESTIGATIONS BUREAU

NON-CUSTODY INTERVIEW

NAME: LARRY JEROME WILLIAMS JR.  
DOB: 3-21-84 AGE: 16 PHONE: \_\_\_\_\_  
ADDRESS: 165 S. FRENCH BROAD AVE ASHEVILLE N.C.

The above named party has consented to an interview with a Law Enforcement Officer from the Buncombe County Sheriff's Department. Please be advised that you are NOT under arrest at this time, and are free to leave and discontinue the interview at any time.

Your co-operation is noted and greatly appreciated by this Department. Please feel free to ask any questions that you have about your status during this interview.

By signing this form, you are NOT giving up any Constitutional Rights that you are legally entitled to as you are NOT under arrest.

SIGNED Larry J. Williams

DATE 10-24-00 TIME 11:10 PLACE BCSO / CID

WITNESS [Signature]

WITNESS Det M. E. Murphy

### **Damian Mills Second and Third Interviews**

On October 25, 2000, detectives interviewed Damian Mills for a second time. Mills stated that he knew nothing about this case. He said the only thing he knew is his cousin (Kagonyera) and Detroit (Wilcoxson) were planning a robbery.<sup>95</sup>

On October 26, 2000, Detective Elkins interviewed Damian Mills for a third time. Mills waived his rights and spoke to Elkins. He implicated himself and the others in the murder.<sup>96</sup> The entire report of his third interview is included below.

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<sup>95</sup> BCSO Report, Interview of Damian Mills, 10/25/00.

<sup>96</sup> BCSO Report, Interview of Damian Mills, 10/26/00.

BOBBY L. MEDFORD  
BUNCOMBE COUNTYCRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW UP INTERVIEW REPORTCase Detective: George Sprinkle  
Mike MurphyReporting Detective: John Elkins  
(if different)

Case Number: 00-

Offense(s): Homicide

Victim: Walter Rodney Bowman  
DOB:Interviewed: Damian Miguel Mills (Defendant)  
Black Male  
DOB: 04/01/80

\*\*\*\*\*

On October 26, 2000, Detective John Elkins of the Buncombe County Sheriff's Department interviewed Damian Miguel Mills, B/M, with a DOB of 04/01/80 at the Buncombe County Detention Facility in reference to the homicide of Walter Rodney Bowman.

Prior to the interview, Detective Elkins advised Mills of his Miranda Rights. Mills stated that he understood his Miranda Rights and that he would cooperate with detectives about the homicide. Mills waived his rights to counsel at approximately 8:45 a.m.

Damian stated that on the day of the homicide that he went to Pisgah View Apartments to buy some marijuana which he referred to as "herb". He stated that he was by himself and that he was driving either his Nova or his grandfather's car. Damian stated that when he got to Pisgah View Apartments he gave Kenneth Kagonyera, which is his cousin, \$40 and Kenneth went and bought marijuana. Damian stated that when Kenneth came back, he and Kenneth smoked marijuana, which he referred to as "a blunt". Mills stated that while himself and Kagonyera were together smoking marijuana Kagonyera continued saying that he needed some "cheese" referring to money. Damian said that after the two left each other that he went back to the residence of his grandfather at 35 Jeffrey's Avenue in Shilo.

Damian stated that at about 7:00 p.m. that same evening he called a female named Mika Byrd, who lives in Pisgah View Apartments, and talked with her for about an hour. Damian states that later that same evening, approximately 9:30 to 10:00 p.m. a car pulled up at his grandfather's house and blew the horn. Damian states he went out and got inside the car. That car was a blue Impala that Kenneth Kagonyera owns. Damian stated that Kenneth Kagonyera was driving the car that Aaron Bruton, who he also knows by the nickname of "Man", was in the front seat. Larry Williams and Robert Wilcoxson, who he also knows by the nickname "Detroit", were sitting in the back of the vehicle. Damian states that he got in on the passenger's side and sit in the back and that he told Larry to scoot over and sit in the middle.

Damian states that from there the group went to a "project" above Livingston Street and parked and smoked four or five "blunts", again referring to marijuana. After that, Damian states, the group left and went to somebody's else's house. Here Aaron Bruton got out of the car and went inside. Damian said everyone else stayed inside the vehicle. When Bruton came back to the car, they rode some more and continued to smoke marijuana.



Damian says that after they rode for a while, they stopped again and everybody got out of the vehicle, except himself and that they were gone for approximately twenty to twenty-five minutes. Damian states that when the four came back to the vehicle, they were "moving quickly" that they jumped into the car and peeled out. At that time, Kenneth Kagonyera was still driving the vehicle. Damian says when they got back in the car that "it was like everybody was in shock." According to Damian, he said, "what the fuck y'all done did?" Nobody said anything but everyone was breathing hard. Damian states that he did not see or hear anything while the group was outside the vehicle. Damian states that when they left that residence, they were on a real dark road, possibly a gravel road, and that there were lots of trees on the side of the road. Damian also stated that Kenneth Kagonyera was driving the car real fast and the Damian asked him to slow down before they got pulled over. Damian states that he knew that something was wrong and told them "you niggers already did something fuckin stupid". Damian states that he was upset and that the group took him back to Shilo.

Damian also stated that while the group were in the car, Aaron Bruton was wearing all black, that he was wearing a pair of gloves and had on a black and white bandana. Damian stated that most all of them were wearing black, that Kenny and Aaron had on the same type of gloves that Damian thinks were brown in color. Larry Williams and Robert Wilcoxson were wearing black gloves. Kenneth Kagonyera was wearing a camouflage in color bandanna.

At that time the interview was stopped for a short time so that Damian could take a break and eat lunch. When the interview resumed, Lt. Sam Constance, also with the Buncombe County Sheriff's Department was present. At that time Damian again told of the events surrounding the homicide of Walter Rodney Bowman.

Damian stated to Detectives Elkins and Constance that Kenneth Kagonyera had told him about one month ago that he was going to rob Shaun Bowman because Bowman owed him money, over "some bad shit", referring to drugs. Damian again stated that Kagonyera, Bruton, Williams and Wilcoxson picked him up at his grandfather's residence between 9:30 and 10:00 p.m. and that Kenny said that he was going to collect some money from "old boy" and also they were going to rob "this dude". According to Damian, Kagonyera kept saying during the conversation "old boy is going to have to come off my cheese--he's going to have to give me something." Again, referring to money. Damian also stated that as they were riding to the residence of Bowman, the conversation continued around the robbery and quoted Detroit as saying, "if he owed me money, I'd done been there and got it." Damian quoted Aaron Bruton as saying, "dog, if you need to go in there, I'm with you." When Detectives Elkins and Constance ask of the conversation involving Larry Williams, Damian stated "Larry was sitting in the back like a little puppy, wasn't really saying anything". Damian further stated that the group believed there was a large amount of money inside the residence and that all the group with the exception of Damian were going to split the money. Damian states that he told the group he would be the look out if they would give him some money. Damian states they agreed and were going to give him \$2,500 or \$3,000 for being the lookout. Damian states the group rode for what he thought was a long time and that the house they went to was way out in the country. Damian states that when they arrived at the residence, they pulled into a small pull off or grassy area near the residence. Damian states that he stayed inside the car but that everybody else got out. That Aaron was carrying a black pistol grip shotgun with a short barrel and he was dressed in dark or black clothing and was wearing a black and white or blue and white bandana and brown gloves. Damian states that Kenny was wearing dark clothes and had on a camouflage bandana and brown gloves. Kagonyera was armed with a 9mm or .45 cal handgun. Damian states that Wilcoxson was wearing dark clothes and had on some type of scarf and was also wearing black gloves and that he did not see Wilcoxson with a gun. Damian states that Larry was wearing a ski mask and that he did not see Larry with a gun. Damian further stated that he was wearing blue jeans, a white tee shirt, a white zip up windbreaker with gray stripes. Damian stated the group was gone for about 20 minutes and came running back to the car and that Aaron Bruton got back in the front seat of the passengers side and put the shotgun in the front seat with him. Damian stated that Kenny "peeled out and was driving real fast". Damian also stated that everybody was mad at Man for shooting Bowman and that Kenny, Detroit and Larry were yelling to Aaron as they left saying, "I can't believe you did that! I can't believe you shot that man!" Damian said Bruton responded by saying "I did what I had to do to get us out of there". When Detectives asked Damian if he had ever seen the black pistol grip shotgun or knew the whereabouts of a shotgun at this time. Damian stated it was the same shotgun that he had seen in the possession of Kenneth Kagonyera several weeks prior to the homicide, but that he did not know where the guns was at at this time. Damian stated that approximately a minute after they left the residence he believes someone in the vehicle threw gloves and a scarf out the window. Damian stated that he was scared and ask Kagonyera to take him back home and that

Kagonyera took him back to the residence at Jeffrey's Avenue. Damian states he did not see the group any more that night.

Detective Elkins ask Damian why he went to the residence to be involved in the robbery. Damian stated "truthfully, if you ain't got no money and you see you can get some, you'll do it". Damian also stated "I don't too much rob anybody. Kenny is always wanting to rob somebody." Damian also said "when Kenny is going to do something with somebody, "referring to a robbery," he will chill with that person all day." Lt. Constance ask Damian if he had been involved in any other break-ins or robberies with the group prior to the homicide. Damian stated that Kenneth Kagonyera and Aaron Bruton broke into an apartment inside the Pisgah View Apartment complex and that Damian acted as the lookout during the break-in but that Williams and Wilcoxson were not present. Damian stated that Kagonyera and Bruton stole a safe which contained three two dollar bills, then left him standing on the street and a subject, whose name was unknown by Damian, pulled a knife and accused him of the break-in. According to Damian, Kagonyera, Bruton and himself went to Mountain Side Apartments a short time later. From there, the three went to the residence of Kagonyera's grandmother on White Fawn Drive and worked on the blue Chevrolet Impala, trying to start the vehicle and that himself and Kagonyera were wearing gloves while working on the vehicle. Mills stated that there were the same gloves Bruton and Kagonyera were wearing when the homicide occurred.

The interview ended at approximately 1:35 p.m.



### **Kenneth Kagonyera Third Interview**

Around October 27, 2000, Lt. Constance and DA Moore interviewed Kenneth Kagonyera at the District Attorneys office. Kagonyera's attorney was present. Kagonyera denied involvement in the homicide and said he had heard people named "Tray, Vaughn, and Wilton" did it. He admitted to the earlier break-in of an apartment on September 18, 2000, and implicated Brewton and a friend.

Kagonyera said that after that break-in, he was confronted by the occupant of the apartment and then went to his grandmother's house. He said he stayed there the remainder of the evening with his girlfriend. He said that Teddy Isbell came by to tell him that the occupant of the apartment was threatening him (Kagonyera) and Kagonyera sent Isbell to find a gun, but Isbell was unable to locate one.<sup>97</sup>

### **Latisha Lee Interview**

On October 27, 2000, officers interviewed Kagonyera's girlfriend, Latisha Lee. Lee stated that Kagonyera told her about the apartment break-in earlier in the day on September 18, 2000. She said Kagonyera had been down on his money and was hanging out with Williams, Wilcoxson, and Brewton, which was unusual. Lee said she did not see Kagonyera with a shotgun, but stated that he did talk to Teddy Isbell. Lee said Kagonyera left the apartment complex after the earlier break-in and she did not see him again until around 11:00 or 12:00 that night.<sup>98</sup> It is unclear from the report if Lee was with Kagonyera the rest of the night.

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<sup>97</sup> BCSO Report, Interview of Kenneth Kagonyera, date not noted.

<sup>98</sup> BCSO Report, Interview of Tisha Lee, 10/27/00/



### **Larry Williams Eighth Interview**

On October 27, 2000, Sgt. Clementson and Det. Murphy interviewed Larry Williams for an eighth time. The report notes that this interview was conducted at the request of Larry Williams. Williams confessed and implicated himself. He then recanted and said he and Wilcoxson were not there. The officers terminated the interview.<sup>99</sup> The entire report is attached below.

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<sup>99</sup> BCSO Report, Interview of Larry Williams, 10/27/00.



# SHERIFF



PAGE 01 OF 01

BY L. MEDFORD  
COMBE COUNTY

## CRIMINAL INVESTIGATION DIVISION INVESTIGATIVE FOLLOW-UP REPORT

Case Detective: 512 - SPRINKLE, 517 - MURPHY

Reporting Detective:  
(if different)

Case Number: 00-339072

Offense(s): HOMICIDE

Victim: WALTER RODNEY BOWMAN  
DOB: 08-17-1949

Defendant: LARRY JEROME WILLIAMS JR.  
DOB: 03-21-1984

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ON 10-27-2000 DET.SGT. CLEMENTSON AND MYSELF (DET. MURPHY) WENT TO THE BUNCOMBE COUNTY DETENTION CENTER TO INTERVIEW ABOVE DEFENDANT PER HIS REQUEST. AT 11:35 A.M. LARRY WILLIAMS JR. WAS READ HIS RIGHTS AND DID INDEED SIGN A WAIVER FORM. IN THIS INTERVIEW LARRY JEROME WILLIAMS JR. STATES: THAT MANN (AARON BREWTON), KENNY, ROBERT, TEDDY & DAMIAN MILLS WERE ALL WITH LARRY AT 74 CHURCH ROAD WHEN THIS CRIME WAS COMMITTED. TEDDY, KENNY, AND DAMIAN WERE IN KENNY'S BLUE CHEVY IMPALA W/TEDDY DRIVING. ROBERT, AARON, AND LARRY WERE IN A 2000 FORD CONVERSION VAN W/ROBERT DRIVING LARRY SAW KENNY ENTER AND EXIT THE RESIDENCE AT 74 CHURCH ROAD WITH THE SHOTGUN LARRY SAYS HE WAS STANDING OUTSIDE NEAR THE VAN AND THAT HE NEVER WENT INTO THIS HOUSE LARRY SAYS HE WAS NOT WEARING ANYTHING ON HIS FACE ROBERT (DETROIT) AND AARON (MANN) WERE BOTH WEARING BANDANAS BOTH VEHICLES WERE PARKED ON THE ROADWAY AT OR NEAR THE DRIVEWAY DAMIAN HAD A .45 BUT NOT SURE WHAT TYPE KENNY HAD A SHOTGUN LARRY SAYS THAT HE DID INDEED HEAR A LOUD GUNSHOT PRIOR TO GOING TO THIS HOUSE KENNY, AARON, & DAMIAN WERE ALL IN THE PARKING LOT OF PVA.THEY WERE ALL TALKING ABOUT GOING TO GET A LOT OF DOPE AND A LOT OF G'S (THOUSANDS OF DOLLARS)THEY DID NOT SAY WHERE THEY WERE GOING TO GO TO GET IT WHEN THEY CAME OUT OF THE HOUSE LARRY REMEMBERS MANN SAYING HE COULD NOT BELIEVE KENNY SHOT THAT MAN LIKE THAT LARRY SAYS HE FIRST SAID MANN WAS THE SHOOTER TO PROTECT KENNY CAUSE KENNY TOOK HIM IN WHEN HE WAS 11-12 YOA AT KENNY'S GRANDMOTHERS LARRY SAYS HE LIED IN HIS EARLIER STATEMENT BECAUSE HE WAS SCARED LARRY DOES NOT KNOW IF ANYONE EVER WENT BACK TO THE HOUSE LARRY SAYS HE HEARD THAT TEDDY SOLD THE SHOTGUN TO KENNY BOTH THE VAN AND KENNY'S CAR LEFT PVA AT THE SAME TIME GOING OUT TO CHURCH ROAD TO DO THIS ROBBERY NO STOPS WERE MADE ALONG THE WAY.TEDDY, KENNY & DAMIAN WERE IN KENNY'S CAR, DETROIT, MANN, AND LARRY WERE IN THE VAN. THEY DROVE STRAIGHT THERE

LARRY SAYS THAT HE THINKS THEY WERE ALL WEARING BANDANAS  
LARRY THEN LOOKED AT SGT. CLEMENTSON AND MYSELF AND STATED THAT WE  
WERE GOING TO BE MAD AT HIM BUT THAT HE AND DETROIT WERE NOT THERE  
AT THIS TIME I TERMINATED THE INTERVIEW AND ADVISED LARRY TO CONTACT HIS  
ATTORNEY IF HE NEEDED TO SPEAK WITH ME AGAIN. THIS INTERVIEW WAS  
TERMINATED AT 12:23 HRS.



## C. Investigation Wrap Up

On October 30, 2000, officers collected DNA samples from Robert Wilcoxson.<sup>100</sup> On that same day, they received a search warrant for Kenneth Kagonyera's car and seized it.<sup>101</sup> On October 31, 2000, officers obtained Aaron Brewton's DNA sample pursuant to a search warrant. Brewton's lawyer had previously told officers they would need a warrant for his client's DNA.<sup>102</sup>

On October 31, 2000, at 9:29 p.m., the fourth and final Crime Stoppers tip was logged. The caller said that she overheard a conversation and they said, "Kenneth was the shooter and Teddy was the driver."<sup>103</sup>

## Sheriff's Summary Report

The following pages contain a case summary created by Detective George Sprinkle of the Buncombe County Sheriff's Office. This summary report is undated, but was initialed by "DP" on December 28, 2000, and appears to have been created at the conclusion of the Sheriff Office's investigation when the case was transferred to the District Attorney. Some details from the summary report are not reflected in the regular investigation reports.

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<sup>100</sup> Consent to Submit to collection of physical evidence form, Robert Wilcoxson, 10/30/00.

<sup>101</sup> Search Warrant, Lt. Constance, 10/30/00.

<sup>102</sup> Search Warrant for Aaron Brewton DNA, 10/31/00 and BCSO Report, Conversation with Attorney Banzhoff, 10/17/00.

<sup>103</sup> Crime Stoppers Log, 10/31/00

BOBBY L. MEDFORD  
BUNCOMBE COUNTYCRIMINAL INVESTIGATION DIVISION  
INVESTIGATIVE FOLLOW-UP REPORTCase Detective: GEORGE SPRINKLE  
MIKE MURPHYReporting Detective:  
(if different)

Case Number: 00-339072

Offense(s): HOMICIDE

Victim: BOWMAN, WALTER RODNEY  
DOB: 8/17/49Defendant:  
DOB:

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On September 18, 2000, subject victim Walter Rodney Bowman was at his residence located at 74 Church Road in Fairview, NC. At the residence was his son, Shaun Bowman and his girlfriend, Wanda Holloway also known as Remita and Tony Gibson, a friend of the family. Walter Bowman was said to be in his bedroom lying down on the bed.

Subject, Shaun Bowman, Renita Holloway, also known as Wanda Holloway, and Tony Gibson were watching the Red Skins football game on the big screen TV in the living room when at approximately 23:30 hours the storm door came open, which was unlocked, at the front of the residence leading into the living room to where they were at. Approximately three to four black males wearing bandanas over their faces, a couple with hats on, came through the door way one at a time, all brandishing weapons. One subject had a shot gun and the others had automatic pistols according to these witnesses. They were said to be hollering at the subjects to "get down! get down! get down!" When Shaun Bowman, the son of the victim, states that he grabbed the shot gun that one of the subjects had and tried to attempt to take it away from him another subject put a gun to his head and told him to let go of the gun. He let go. About that time, Walter Bowman, the victim, was said to have opened up the bedroom door. He saw them and they saw him. He shut the door back and what witnesses described as one of the subjects fired a shotgun through the door. At that point, one of them kicked the door open and saw that he had been shot. This person yelled out, "I shot him! I shot him!" At that point, they all retreated out the front door and left the residence running on foot. Shaun Bowman, being the son, went out to see if he could see anything. Came back, knowing he had warrants on him and was a wanted man himself on a parole violation, got Tony Gibson to take him away from the residence.

Renita Holloway states that she called 911. The call came in at 23:55 and stated she had a gunshot victim at this residence. EOC responded to the residence. She stayed on the line with them. Subject victim Walter Bowman was conscience during this time. EOC arrived and she was the only one there. They took Mr. Bowman to the hospital where he died enroute. Officers interviewing Renita Holloway found that she states that she was the only one at the residence when this occurred. Hardley any description of the perptrators were gained from her. She states later in an interview that she did deceive the officers. She was trying to protect Shaun Bowman, who had the warrants on him. Also interviewed was Alma Bowman, the deacease estranged wife, who had been at the residence earlier with her grandchildren and one of her daughters. She states she left around 9:30 p.m. to take her daughter home and to get something to eat at McDonalds. She was away from the residence



when this had occurred. She also said that Remita was the only one at this residence. According to her in another statement, she was also protecting Shaun from us knowing he was at this location.

In interviewing Tony Gibson, he states that Shaun was there, he was there and Renita was there when this occurred. He said three to four black males came into the residence brandishing guns. The first subject he described was a tall slender black male, young and had unusually long arms and a long face. He states this subject had a shiny automatic type pistol and placed it against this victim's head and was yelling at him to "get down! get down! get down on the floor!" The second subject coming through the door was a little bit smaller and thin; young also. Had a bandana over his face and came in the living room brandishing a pistol grip type dark colored shotgun. That when Mr. Gibson states, Shaun Bowman got up, grabbed the shotgun, attempted to take it away from this subject. As they were wrestling over the weapon, the third subject came in the door brandishing a handgun and instructed Mr. Bowman to let go of the gun before he copped him. Mr. Bowman did let go of the gun and got down. He states that Remita Holloway ran into the kitchen trying to attempt to hide from these subjects. The tall subject went to the kitchen, he states, and grabbed her by the hair of the head on dragged her towards living room. At this point, Mr. Gibson's story is somewhat identical to Shaun Bowman's as that Walter Bowman, the victim, had opened the bedroom door and they saw him, and he shut the door back. Subject Gibson states that he had his head down on the floor and did not see exactly who fired the shot but heard the shot. Also that one of the subjects stated "I've shot him! I've shot him!" They all fled the residence. He states that none of the subjects stated why they were there and only stated very little until they fled. Once they were gone, Tony Gibson states that he gave Shaun over to Merimmon Avenue to the Enmark and let him out. He does not know who these guys were but he thought Shaun might have recognized at least one of them.

Subject Shaun, was not to be found on this date. Detective Tim Goodridge and Detective Bob Carroway responded to this locating along with ID Tech, Mike Wright, to process the scene. Once at this location, an interview ensued with Renita Holloway, who was at that time, the only person at residence. Alma Bowman, the estranged wife of the victim and mother of Shaun Bowman, had met with the victim's mother, Vallie Bowman, and responded to the hospital. The officers that were left at the residence gathered what evidence they could at this time and processed the scene and left the area.

On Tuesday morning, September 19, 2000, Sheriff Bobby Medford, assigned myself and Detective Mike Murphy to begin following up on this case. A neighborhood canvas was conducted during that date. This officer and Detective Murphy and ID Tech Mike Wright initiated a search of the residence. The witnesses at the scene were instructed to meet us at our Department later this date in reference to a reinterview in an attempt to gain more information about this incident.

On this date, September 19, 2000, while the neighborhood canvas was being conducted by the officers, a subject by the name of Heather Summerset, #6 Flattop Mountain Road, Fairview, NC, who is a postal carrier, had spotted several what appeared to be bandannas near the end of Church Road near the intersection of Blue Ridge Development Road lying on the sides of the roads. Officers responded and the items were collected for evidence purposes.

While interviewing the subject, Tony Gibson, on the second interview at the Sheriff's Department, these items were shown to him and he identifies them as being the same color and type he observed during the robbery. Also, the brown gloves that were also recovered from the location were consistent with what he observed the subjects wearing.

On Thursday, September 21, 2000 at approximately 10:00, I had received a call from the Sheriff's Department wanting me to contact the victim's sister, Pam Bowman. I called the subject and she advised me that Leon Bowman, the son of the victim, was in Pisgah View Apartments, where he lives with his girlfriend, states that he was standing on the side of the road when the Moron and silver van drove up by him. He states that he saw a handgun being displayed out one of the door windows. All he could see was the hand and the gun. The blinds were shut and he could not tell who was waving the gun at him as to intimidate him. He states the van was the one that Detroit, Little Larry, Kenny and his friends had been riding around in recently. He was afraid he might be shot also.

We had received calls that these subjects had been involved in this incident in Fairview. I contacted Detective Forrest Weaver with the Asheville Police Department, who had been on call working the same night shift. Also, Officer Wallie Welch came out. We went over to Pisgah View Apartments with an attempt to locate this van with these subjects in it. Around 1:00 a.m. on September 22, 2000, we spotted a van, Detective Murphy, and myself at the corner of State Street at the Ctigo Station



where the van had driven through. Same spotted this Officer and Officer Murphy and a chase pursued with an attempt for us to pull this vehicle over. The chase traveled west on Amboy Road and then north onto Short Michigan and turned left onto Cordovia Street, which is the first road to your left once you turn up Short Michigan and goes through the Apartment Complex. The vehicle reaching speeds over 50 mph and the subjects turned the vehicle and lost control and hit a set of steps and hand rails where the vehicle was wrecked. The subjects jumped and ran and Detective Murphy had chased the victims, getting a fairly good look at one of them before he lost sight in the Apartment Buildings and stopped his pursuit. The vehicle was towed in by these officers and stored at our storage lot at the Sheriff's Department.

The subject wasn't located at that time. The paper tag that was on the vehicle came back to a different type vehicle and owner. The Vin Number came back to Baron Shawn Powell, 28 Allen Street, Asheville, NC. Officer Carroway and Officer Goodridge went to this location to talk with Mr. Powell. Mr. Powell stated that the van was being test driven by a subject by the name of "D" and in Detroit. He didn't know his last name and was advised that we do have his van. He advised that this subject was attempting to take up payments on this vehicle. He was advised that we do have his vehicle and he would have to come in for an interview with us and talked with us the next morning.

Later on that morning, subject Baron Powell, known as Barry Powell, came in and spoke with us about the vehicle. He stated that the subject was attempting to assume the loan on this vehicle and that he was several payments behind on and the Ford Motor Credit Company was attempting to locate this van and he was trying to keep from getting his credit hurt in the process. Asking him for a full name of this subject that had his van and a phone and address, he could not locate one. He states that he didn't exactly have his name written down or a phone number on him presently that he might have one at home and would get this for us and call us back. Subject was told that the van was used for evidence in an ongoing investigation and that the Ford Motor Credit Company could contact our Department reference to arrangements for getting the van back when we are through with it. At this time it will be held as evidence in an ongoing investigation.

After receiving several calls from the public stating a guy named Detroit, a subject by the name of Little Larry Williams and Kenneth Kagonyera and a young man named Aaron Brewton they call "Man" was the ones involved in the murder in Fairview. We proceeded to attempt to locate these subjects when on Saturday morning, September r 23, 2000, we received a Crime Stoppers call stating where each individual of three were staying in apartments in Pisgah View Apartments. Subject Kenneth Kagonyera is supposed to be staying at 17-C Pisgah View Apartments. Aaron Brewton was supposed to be at A-B Pisgah View Apartments. Larry Williams was supposed to be at 11-E Pisgah View Apartments. The subject Detroit, known later as Robert Wilcoxson, III, we had no location at that time on him. Members of the Asheville Police Department and the Buncombe County Sheriff went to Pisgah View Apartments on Saturday morning around 7:00 a.m. where we proceeded to attempt to locate these subjects at these addresses. We did locate Aaron Brewton and Kenneth Kagonyera at this location, along with some other people who outstanding warrants on them at that time.

These subjects were transported to the Buncombe County Sheriff's Department Detective Division where we attempted to interview them reference this crime. These subjects transported to the Buncombe County Detention Facility with no information gained at that time. All three had outstanding warrants on them for unrelated incidents. They were placed in Buncombe County Detention Center.

On September r 25, 2000, subject Robert Wilcoxson had contacted our office and had turned himself in. His explanation was that he heard we were looking for him and decided to come in and talk to us. He claims he didn't have anything to do with this incident and agreed to take the Polygraph if it was offered. At that point, unsure of his involvement, a time and date was set up for the Polygraph at the SBI Office in which the subject knew.

On Wednesday, October 4, 2000, Detective Murphy went to the scheduled Polygraph test and met with Robert Wilcoxson at the SBI Lab Skyland. The test was performed by agent Steve Miller of the SBI. At the conclusion of the test, agent Miller states that it was inclusive as to whether Mr. Wilcoxson was involved or not. Another test would probably give him a better indication of his involvement or noninvolvement in this situation. No other test was set up at that time.

Also, on September 25, 2000, Crime Stoppers information received that Teddy Isbell was involved in this also. During this same time, Matthew Bacoate contacted Lt. Sam Constance of the Sheriff's



Department. He was contacted by Teddy Lamont Isbell and Mr. Isbell's girlfriend, Annette Hines, and that Teddy advised he had information on the Homicide and wanted to assist us in this matter. Lt. Constance met with those subjects at Matthew Bacoate's place of business "Life on Life's Term's Organization" at which time he spoke with Teddy Isbell. Teddy's statement was that he was playing dice over in Pisgah View and overheard Kenny things got messed up and Detroit, which is known as Robert Wilcoxson, had shot the man. Isbell advised that Kenny was involved in a break-in also in the Apartment Complex. The Lewis' apartment. He said that Kenny, Aaron Brewton and Little Larry, Larry Jerome Williams, Jr., committed the break-in and said Kenny had a shot gun hid at Anita Finley's apartment. Teddy states he went and got it for Kenny because Kenny told him that the Lewis subject was going through the Apartment Complex with a gun looking for Kenny for breaking into his apartment. Teddy states Matthew James, which is known as Matt, Anita's boyfriend, got the shotgun for him.

Lt. Constance terminated the interview at that time, left and came back to our department where we discussed what he had told him and decided to have Teddy come in a talk to us. Lt. Constance and other detectives went back out to the motel. Teddy Isbell agreed to come in a talk with us but wanted District Attorney, Ron Moore and Matthew Bacoate to be present while he was interviewed. The subject Isbell and his girlfriend, Anita Hines, was transported to the Sheriff's Department. Lt. Sam Constance, District Attorney Ron Moore and Matthew Bacoate interviewed Ms. Isbell at some length about this case. Also present was Detective Forrest Weaver of the Asheville Police Department who also interviewed Mr. Isbell about this case. Knowing him for some time, they had developed a friendship.

The subject, Isbell, according to Lt. Constance and District Attorney Ron Moore, stated that Teddy Isbell states that he planned the robbery at Shaun Bowman's residence in Fairview. Isbell states that he had talked with Leon, Shaun's brother, and that Shaun was looking for somebody to sell drugs for him that he had a big shipment come in and needed to move it. That's where the information came from where the robbery was planned at that point. Teddy said he got up with Kenny Kagonyera, Detroit and Little Larry Williams and they were all out in the van smoking blunts and they were planning to leave to go rob Shaun Bowman and he got scared and got out of the van. He said when he got out in the street that Detroit got in. Isbell also said that Dea Johnson was following us in a beige colored Monte Carlo that belongs to Detroit. She is Detroit's girlfriend. Subject Isbell said he got out of the van. He was afraid to go out there. He said since this incident occurred he knew that Detroit was said to be the person who shot the man. At least that's what he said Kenny had told him the next day. Subject Isbell was charged on a separate of Possession of a Firearm by a Felon and transported to the Buncombe County Detention Center where he was incarcerated.

On September 28, 2000, Lt. Constance and District Attorney Ron Moore interviewed Teddy Isbell at the District Attorney's office in reference to this homicide. Also present in the interview was Haley Montgomery, the attorney for Mr. Isbell. Mr. Isbell said he had lied when he talked to us about the other night. Isbell said he did not know why, but he had to lie. He basically changed his story and gave very little information Isbell this robbery and homicide.

On September 26, 2000, Larry Williams was interviewed by Lt. Sam Constance of the Buncombe County Sheriff's Department and Detective Forrest Weaver of the Asheville Police Department. Also present was Sheriff Bobby Medford. During this interview, subject Larry Williams confessed to participating in this attempted robbery and murder. Then, again on October 24, 2000 subject Williams confessed and wrote a statement.

Then on October 11, 2000 subject Damian Miguell Mills was interviewed, which is Kenneth Kagonyera's cousin. Mills states he knows Detroit, Little Larry and Aaron Brewton but doesn't hang with these subjects. Damian was not in custody at the time of the interview. He was released to go and later it was found that there was an outstanding warrant on him and he was later incarcerated again.

On October 25, 2000 Detective Murphy and myself went to the Detention Center to talk with him. He was advised of his rights and he stated at first that he didn't know anything about the case and then he stated that his cousin, Kenny, and Detroit, were planning a robbery. That's all he knew. The interview was terminated. Subject refused to talk about anymore about this case.

On October 26, 2000 at 08:45 a.m. Detective John Elkins went to the Detention Facility to interview Damian Mills reference to this case. During the interview, Damian stated that they did go over to Walter Bowman's residence and they were all smoking blunts. Damian states that they talked about

Shaun having a large amount of money at this residence and some drugs and they offered to give him between \$2,500 and \$3,000 to be a lookout. He said that they rode out to the residence and Aaron was carrying a black pistol grip shotgun with a short barrel and was dressed in dark colored clothing wearing black, white and blue bandanas and brown gloves. He states that Kenny was wearing dark clothes and camouflage bandana and brown gloves. Kagonyera was armed with 9mm or .45 handgun. Damian states that Wilcoxson was wearing dark clothes, some type of scarf and wearing black gloves. He didn't remember whether he had a gun or not. He said Little Larry was wearing a ski mask and didn't see Little Larry with a gun. He states they parked up the road and he stayed in the car and they were gone about 20 minutes and came back running to the car and Aaron Brewton got back in the front seat of the passenger's side and put the shotgun in the front seat with him. Damian stated they peeled out and was driving real fast. He said just a few minutes after they left the residence, he believes someone threw gloves and scarves out the window of the car. He states he got them to take him back home on Jeffrey's Avenue and dropped him off.

So, at this point, we have three people confessing to a part in this attempted robbery and homicide but at the same time not knowing for sure which person was the shooter. But, all six people are tied together by association and statements about all six of the same named persons being at this location in Fairview .

At this time, I have no further information in this case and it should be considered closed.



## Forensic Testing

On November 2, 2000, the Sheriff's Office submitted the gloves and bandanas to the SBI for comparison with all six co-defendant's DNA profiles. The Sheriff's Office also submitted a door panel from Robert Wilcoxson's van for DNA comparison to the Victim's profile.<sup>104</sup> Evidence control records show that officers thought stains on the door were blood, because these stains had a positive reaction to luminol.

The results of serology testing were reported on January 17, 2001. The reports states, "Examination of the door panel (Item 1) revealed chemical indications for the presence of blood. Further testing was inconclusive."<sup>105</sup> An expert witness will be present at the Commission hearing to explain this testing and the bench notes. DNA testing was not attempted on this item. At the time of this brief, the Commission had submitted the door panel for DNA testing, but did not yet have results.

The SBI report further stated that examination of the gloves and bandanas "failed to reveal the presence of blood," but two of the bandanas "revealed chemical indications for the presence of saliva." Cuttings were made of those two bandanas and sent to the DNA unit for comparison to the co-defendants.<sup>106</sup>

The DNA analysis was completed and reported on March 7, 2001. DNA profiles were obtained from the two bandana cuttings. The report indicated that a DNA profile obtained from the first bandana "did not match" the suspects or the Victim. The DNA profile obtained from the second bandana was consistent with a mixture and the co-defendant's and Victims' DNA "was

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<sup>104</sup> NC SBI Request for Examination of Physical Evidence, 11/2/00.

<sup>105</sup> SBI Laboratory Report, 1/17/01, J. Taub.

<sup>106</sup> Id.

not present in this mixture.” The single profile developed from the first bandana was uploaded into the DNA databank for continuing queries.<sup>107</sup>

A DNA analyst from the State Bureau of Investigation has been subpoenaed to the Commission hearing to explain the SBI’s testing and findings. The Commission has submitted the bandanas and gloves for further DNA testing and the results will be reported by an expert at the upcoming hearing.

### **More Jail Informants**

On February 27, 2001, five months after the murder, an inmate named Derrico Jordan told detectives that Jerome Mooney, Larry Williams, and Robert Wilcoxson had admitted involvement to him while they were in the Buncombe County Detention Facility.<sup>108</sup>

On March 6, 2001, officers spoke to an inmate named Ricky Rizk. Derrico Jordan had mentioned Rizk being present when Robert Wilcoxson confessed. Rizk confirmed this statement.<sup>109</sup>

On September 18, 2001, one year after the murder, inmate Tyrell Dickey told detectives that the night of the murder, Kagonyera, Wilcoxson, Williams, and Brewton came to his house and Kagonyera confessed.<sup>110</sup>

On September 9, 2002, detectives interviewed Randy Hodge, an inmate at the Buncombe County Detention Facility with pending federal charges. Hodge said that both Kagonyera and an inmate named Day-Day (Mills) had independently confessed to him while they were housed in

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<sup>107</sup> SBI Laboratory Report, 3/7/01, M. Boodee.

<sup>108</sup> Statement of Derrico Jordan, 2/27/01

<sup>109</sup> Statement of Ricky Rizk, 3/6/01

<sup>110</sup> Statement of Tyrell Dickey, 9/18/01.

the jail. By the time Hodge came forward, both Mills and Kagonyera had already pled guilty to the homicide.

The entire statements of Derrico Jordan, Ricky Rizk, Tyrell Dickey, and Randy Hodge are attached. The statement of Derrico Jordan has notes attached to it relating to all the other cases in which he was also providing information.



B. COMBE COUNTY SHERIFF'S DEPARTMENT  
STATEMENT FORM

NAME: DERRICO DEMONTE JORDAN DOB: 4-4-80 AGE: 20 OCA: \_\_\_\_\_  
ADDRESS: 439 North Green St. PHONE: work \_\_\_\_\_ home \_\_\_\_\_  
DATE: 2-27-01 TIME: \_\_\_\_\_ PLACE: Asheville, Buncombe Jail  
HIGHEST GRADE COMPLETED: 12 - GED IN CUSTODY ☒ yes ☐ no ADVISED \_\_\_\_\_  
\*\*\*\*\*

TEXT

Around the 3<sup>rd</sup> week of November. I was told by Robert Wilcoxson that he shot and killed the father of Shawn in "the Fairview Rd" murder case. In October Jerome Mooney told me he thought Mr. Wilcoxson was snitching on what happened about the murder. Mr. Mooney was very shaken up about the situation because he was at the time incarcerated and his responsibility was to hide the murder weapon used in "the Fairview Murder." He - Jerome made a call to his brother from jail to tell him to take the murder weapon which is a 1 shot - shotgun over a female house. The business was not handled until Jerome got out of jail. So he got around to stashing the Murder weapon. —

I witness Mr. Robert Wilcoxson telling one of the co-defendants Larry Williams to change his story about where he was on the night of the Murder. He told me he needed Mr. Larry Williams to back his alibi, because he wasn't going to go out in a bitch. Mr. Williams did not agree to the change of the stories, because he said he is innocent and Wilcoxson is the one who placed him at the scene of the crime. Mr. Wilcoxson tried to get Larry to change his story for at least a month, but Larry Williams never did. Mr. Robert Wilcoxson told me that if he was going down for this murder then all his co-defendants were going down. He also stated Mr. Larry Williams is going to back his alibi whether he likes it or not, because he is

I, DERRICO JORDAN, do hereby certify that the above statement given by me is true to the best of my knowledge and belief.

Page 1 of 3

Signed Derrico Jordan

Date 2-27

Witness DET. M. E. MURPHY Witness \_\_\_\_\_





BLUMENBERRY COUNTY SHERIFF'S DEPARTMENT  
STATEMENT FORM

NAME: DERRICO JORDAN DOB: 4-4-80 AGE: 20 OCA: \_\_\_\_\_

ADDRESS: 434 North Green St. PHONE: work \_\_\_\_\_ home \_\_\_\_\_

DATE: 2-27-01 TIME: \_\_\_\_\_ PLACE: \_\_\_\_\_

HIGHEST GRADE COMPLETED: 12 - GED IN CUSTODY yes no ADVISED \_\_\_\_\_  
\*\*\*\*\*

TEXT

like he helped Larry Williams out alot as far as buying him things such as clothes, shoes, etc. when they were both free so he feels like Larry owes him this. — In November Mr. Robert Wilcoxson actually confessed he shot and killed the guy in the murder. He told me - DERRICO JORDAN and another inmate Ricky Ritsk. MR. Wilcoxson told us this, because he said this is the one thing he regretted more than anything in the work.

— Mr. Wilcoxson stated the plan was to rob by myself, Kenny, Aaron Bruton, and Teddy. Wilcoxson was told by the co-defendants that they were to rob "Shawn" because he sold alot of marijuana and he had alot of money stashed at his house. So on a Monday night all of the co-defendants got together and went out to Shawn's house. The house was crowded at the time so they all agreed to come back later on that night. Later on that night they came back. Robert Wilcoxson had a shotgun and another guy had a mack-11 or a machine gun. They knocked on the door. Shawn's friend opened the door then they stuck the shotgun and the other gun to his face and they all went in. Immediately Robert Wilcoxson and another guy ran upstairs to see if anyone else was up there. Shawn's father opened the door of his bedroom to look out and seen Robert standing there he then slammed the door back. That's when Wilcoxson shot through the door and killed Shawn's father. Robert didn't check to see if he was dead they just ran out the door.

I, DERRICO JORDAN, do hereby certify that the above statement given by me is true to the best of my knowledge and belief.

Page 2 of 3

Signed Derrico Jordan Date 2-27-

Witness DET. M. E. MURPHY Witness \_\_\_\_\_







\*\*\* VETER DARIUS -  
 170 LATERAL...  
 Sharon Sinclair sent 2 guys to Rob John - sent wad  
 of beginning ash  
 BSB  
 P. View: Aphat...  
 Jerome Kenny, Detroit, Larry...  
 imp...  
 old man...  
 Missy - Killed son daddy...  
 Vaughn, DAF-DAE, Kenny...  
 Mark Stover...  
 Shere - user to go Allison & Bobby  
 Jermaine - Fatboy  
 over...

continued: and he would shoot them and burn their cars and there's where the burnt bones came from that were in the woods behind his house

on Sept. 21 Stover said at first they had a mouthpiece, but he said Quote: "The bitch didn't have teeth to begin with," then Landrum said I don't see how they can hold you and Stover said Quote: "They are just trying to scare me so that I will..."

Raul...  
 Anthony - Killer of...

Sept. 22 Approximately 7-8 am. said he was charged with First Degree Murder because they also charged him with First Degree Kidnapping but Quote: Mark Stover said how can they charge you with Kidnapping when the person always came to his house to get high. We said if they convict you on anything it would probably be second degree murder it's 10-15 years. He said "I know but they just trying to scare me into telling on myself."

He lives at Clang Road...  
 He said "This crack... where use to come over to my house and get high and then she started showing up at my house early in morning so he felt sorry for her and let her sleep there."  
 Terry Landrum asked him why would there have named her. He said "I don't know but he said that the person would show up but I know it's good for his ass." Terry said he was at least 12-13 feet and when the over got to stinking...







DEF. KENNETH KAGONYER

DERRICO JORDAN

KENNY

TEDDY

AARON BREWTON

THERE W/ DETROIT

JEROME MOONEY WAS GIVEN THE  
GUN BY DETROIT.

RICK FOSTER

43 GROVE ST. SUITE 4

ASHEVILLE N.C. 28801

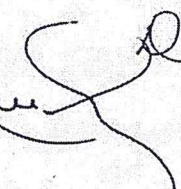
PH. 281-46

FED. PROS. JILL ROSE



Robert Wilcoxson stated to me and Rick Ri that he had to shoot because he was already high from marijuana and drinking Moet and he was paranoid because of drugs so it was either him who had to die or the old man and he'd rather it be the old man so he shot him. I was also told Kenny was supposed to be driving the getaway car. Wilcoxson said he would put that on him because him and Kenny got the same kind of car. I was also told they all wore masks or bandannas to cover their faces before they entered the house of Shawn to kill him. Robert Wilcoxson said he told his girl Dea to lie for him and say he was at home in the bed with her the night of the MURDER which would have also been an alibi for him, but she refused when they started having problems in the relations

— END OF STATEMENT

WITNESS: DET. M.E. M.  (Derrico Jordan)



BUNCOMBE COUNTY SHERIFF'S DEPARTMENT

STATEMENT FORM

NAME: Ricky O. Rick DOB: 8-13-78 AGE: 22 OCA: CV-339 072  
 ADDRESS: B.C.D.F. PHONE: work \_\_\_\_\_ home \_\_\_\_\_  
 DATE: 03-06-01 TIME: 8:40 PLACE: B.C.D.F.  
 HIGHEST GRADE COMPLETED: \_\_\_\_\_ IN CUSTODY yes no ADVISED \_\_\_\_\_  
 \*\*\*\*\*

TEXT

In early Nov. I had walked up on a conversation between (Robert Wiberson) & (Derrico Jordan) I had brought up a story about what I had put myself in jail, then Robert started a story with me. He told me that one day him & his boys were scraping out this place (house). He told me that this place was suppose to have pounds of hydro & stacks of cash. He said he want to check it out during the day. He said there was too much activity going on in the house. He said he came back later on that night geared up in his ski mask and bullet proof vest. He said him & his boys got up in the house & were looking around. He said him & his boy came up on a closed door. He said he ~~shot~~ <sup>not</sup> at himself at the side of the door, while his boy stood in front of it. The guy opened up the door and froze in shock. The gunman also froze. In one motion the guy behind the door stepped back and slammed the door. Robert then said he shoved his boy out of the way and shot through the door. then he said everybody took off. He said he found out later the guy was dead. He said he had no choice, He did not know what that guy was doing behind that door it was either him or me. He said he regretted ~~that~~ <sup>it</sup> everyday of his life.

R O R

I, \_\_\_\_\_, do hereby certify that the above statement given by me is true to the best of my knowledge and belief.

Page \_\_\_\_\_ of \_\_\_\_\_

Signed X

Date \_\_\_\_\_

DET. CR SPRINKLE  
 Witness

DET. M.E. M  
 Witness



**BUNCOMBE COUNTY SHERIFF'S DEPARTMENT \*\* CONTINUATION PAGE \*\* NC0110000**

Incident <b>WITNESS</b>	Continuation to: *Investigation* *Supplementary Inv.* *Arrest* *Suspect Report*	OCA <b>00-339</b>
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I had also noticed when Larry came up to GE for a little while that Robert was always trying to approach him & talk to him. Larry told me he did not want anything to do with Robert & that he was not going to change his story.

Officer Name (Print) <b>DET. G. R. SPRINKIE</b>	Unit # <b>512</b>	Supervisor Name (Print) _____	Unit # _____	Date / Time Submitted <b>3-6-01</b> <b>0930</b>
Officer Signature <b>DET. M. E. MURPHY</b>	Unit # <b>517</b>	Supervisor Signature _____	Unit # _____	

Page \_\_\_\_\_ of \_\_\_\_\_

Oct



**STATEMENT FORM**

NAME: Tyrell Dickey DOB: 1-15-78 AGE: 23 OCA: \_\_\_\_\_  
 ADDRESS: 62 Davida Drive PHONE: work \_\_\_\_\_ home (828) 683  
Shenandoah NC 28806  
 DATE: 9-18-01 TIME: 11:25 PLACE: Marion Minimum Security  
 HIGHEST GRADE COMPLETED: 11th IN CUSTODY yes no ADVISED \_\_\_\_\_  
 \*\*\*\*\*

**TEXT**

Appromixley 1 year ago, Mr. Walter Bolmar was murdered. The night that Mr. Bolmar was brutally shot, Kenny Kenyward, (Detroit) Robert Wilcox, Little Carry willian and Aaron Brewton (aka man) came by my house around 12:45. As I went to see who was knocking on my door Kenny Kewyward and little Carry willian were arguing about something, at that time I paid it no attention. When they came inside they all were very (fittely) Nervous about something. Kenny said "lets smoke a blunt man my nerv tore up." So we smoked a blunt of marijuana, as we smoked, Kenny told me he needed to talk to me. We went into my bedroom, thats when kenny told me that "He <sup>from</sup> Aaron Brewton, (Detroit) Robert Wilcox Little Carry williams had just tried to rob Mr. bolman when Aaron Brewton (man) fired the pistol grip shotgun through the door hitting Mr. Walter bolman and killing him. Kenny asked me could he stay at my house till he got up enough money to go to Detroit where Robert Wilcox stayed because he thought that someone in the house may have recognized him. I said "Nervously" I cant man I got a Daughter, he got upset and left. At the time I lived in

I, Tyrell K. Dickey, do hereby certify that the above statement given by me is true to the best of my knowledge and belief.

Page 1 of 2 Signed Tyrell K. Dickey Date 9-18-01

Witness R. Franklin

Witness OR SPRINKLE BCSF  
512

000270



MEMO TO: D.A. R. L. Moore  
FROM: Inv. L. B. Raymond  
DATE: September 9<sup>th</sup>, 2002  
REFERENCE: Kagonyera/00crs65086 Mills/00crs65084

On September 9<sup>th</sup>, 2002, Detective L.B. Raymond of the Buncombe County D.A.'s Office interviewed Randy Marlon Hodge, w/m, 11/23/75 of 600 Harris Henrietta Rd., Forest City, N.C.28043, (828) 429-5923. This interview took place in Rutherfordton, North Carolina, it concerned conversations he had pertaining to a murder that occurred in Buncombe County. These conversations were with Kenny Kagonyera, and a relative of Mr. Kagonyera, nicknamed "Day-Day." They took place in the Buncombe County Jail, where Mr. Hodge was being held pending Federal Charges. Mr. Hodge stated he was placed in the jail sometime before Thanksgiving 2001. While there he met and became friends with another inmate on 5W, Kenny Kagonyera. Mr. Hodge said after a few months of playing Dominoes, Mr. Kagonyera began to talk about why he was in custody. He said that he was in jail for a murder charge, along with his cousin, "Day-Day." Mr. Hodge believes that the cousin's real name is Damian. Mr. Kagonyera stated that he and "Day-Day" went to rob a drug dealer, but when Kenny went in, the dealer an late middle aged black man began chocking Kenny, "Day-Day" ran into the room where they were and shot the dealer with a 12 gauge shotgun. Mr. Hodge couldn't remember, if they were in separate rooms, or if "Day-Day" had been waiting outside and then ran in. He was also unsure where the murder took place, either a hotel room, or the dealer's apartment, he also did not know whether other participated in the robbery/murder, and if the young black male they blamed the murder on was even at the scene. Mr. Hodge said that a few months after he had heard this from Mr. Kagonyera, his cousin was moved to their block, and he also began to play Dominoes with Mr. Hodge, and also told the same story to him. Mr. Kagonyera said that when they were first suspected of this crime, another person being held in the jail had given he and his cousin up to the Police, saying there were there and involved, so they decided to tell the Police that the other man was there and actually did the shooting. Mr. Hodge couldn't remember his name. Mr. Kagonyera pointed him out to Mr. Hodge once, he was a cleaning up and through the glass he saw him, he was housed on 5E. Mr. Hodge described him as a young black man, perhaps early 20's. Mr. Kagonyera and "Day-Day" never spoke to Mr. Hodge at the same time about the shooting, however, Mr. Kagonyera did tell the same story to another inmate being held on Federal charges, a Christopher Evans, b/m. Mr. Hodge said that it was about four months into his term that conversations began, and that Mr. Kagonyera was a "bad crack head" when he came in, because he was all thin and by the time Mr. Hodge was released in late May 2002, Mr. Kagonyera had bulked up.



## **VII. Guilty Pleas**

### **Damian Mills Guilty Plea**

On June 26, 2001, Damian Mills pled guilty to second degree murder, attempted armed robbery, and conspiracy to commit armed robbery. The charges were consolidated and the DA agreed to the mitigating factors that Mills had acknowledged wrongdoing and aided the state in regards to the other defendants. Sentencing was continued to a later date (include date of sentencing), but Mills ultimately received a sentence of 120 to 153 months.

There is no transcript of this plea hearing available. The original court reporter has retired and indicated all of her tapes were left at the court house. The current Buncombe County Court Reporter has searched and been unable to locate any original tapes.<sup>111</sup>

On February 7, 2001 Mills filed a pro se motion to withdraw his plea.<sup>112</sup> It was denied on September 7, 2002. On September 9, 2002, Mills filed a second motion to relieve his attorneys and set aside his plea. The motion was denied.<sup>113</sup>

### **Kagonyera Fourth Interview**

On August 6, 2001, Kenneth Kagonyera filed a pro se motion to dismiss and requested the results of the DNA testing.<sup>114</sup>

On November 30, 2001, Kagonyera was interviewed in the DA's Office by DA Moore, the DA's Investigator and a detective. His attorneys were present. Kagonyera confessed to the crime.<sup>115</sup> The entire District Attorney's report is included below.

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<sup>111</sup> E-mail correspondence between Adam Wren and Ruth Paulson, 3/22/11.

<sup>112</sup> Damian Mills motion to withdraw, 2/7/02

<sup>113</sup> Transcript of motions hearing, Damian Mills, September 9, 2002.

<sup>114</sup> Kenneth Kagonyera Motion to Dismiss, August 6, 2001.

<sup>115</sup> Memo to DA R. Moore, 11/30/01

MEMO TO: D.A. R. Moore

FROM: Inv. L.B. Raymond

DATE: November 30th, 2001

REFERENCE: Kenneth Manzi Kagonyera /00crs65086

On November 29<sup>th</sup>, 2001 at 2:20pm Kenneth Manzi Kagonyera was interviewed at the District Attorney's Office. Present at the interview were D.A. R. L. Moore, Attorneys S. Deaveraux, and A. Messer, along with Detective L.B. Raymond. Mr. Kagonyera was asked by Mr. Moore to explain the circumstances around the shooting of Walter Rodney Bowman on 9/18/00. He stated the idea for the robbery was Wilcoxson's and Brewton's. He stated that Wilcoxson had several guns and that Brewton also had one. When it got dark they decided to go to Fairview and rob Sean Bowman. Wilcoxson and Williams came by and picked up Mr. Kagonyera, and Damian Mills, so they could follow them. Mr. Mills drove the Chevy out to Fairview. Mr. Wilcoxson was driving the Dodge van. He stated that Mills had a Tec-9, he had a 9mm, Brewton had a .45 and Wilcoxson had a shotgun. In the van on the way out Mr. Isbell drove, also in the van was Brewton, Williams and Wilcoxson. Mr. Kagonyera followed them with Mr. Mills. When they arrived at the residence, Mr. Isbell stayed in the vehicle he had no gun with him then, neither did Mr. Williams. When they entered the house there was Mr. Bowman, an old man, a girl and another man in the home. Mr. Wilcoxson ran after the man who ran down the hallway, Mr. Kagonyera told everyone to get down, Mr. Kagonyera went after the girl who ran into the kitchen. Mr. Mills kept a gun on Sean Bowman the entire time in the livingroom. The old man had run into the bedroom and Mr. Brewton was in the living room making sure that everyone was staying down. After the shotgun went off down the hall, Mr. Wilcoxson came running back down the hall. They all left the residence and got into the cars and drove off. At the scene Mr. Brewton took all the guns. Mr. Kagonyera and Mr. Mills left together. Three days after the shooting, a Thursday, Mills, Isbell, Wilcoxson, Williams, Brewton, and Kagonyera got together and drove around smoked some pot and got a story together, they met up in Pisgah View Apartments, where he had dropped off Mr. Mills after the shooting. Mr. Kagonyera finished by saying that was all he remembered, he didn't know what had happened to the gun that was used.

lbr

## **Kenneth Kagonyera Guilty Plea**

On December 13, 2001, Kenneth Kagonyera entered a plea of guilty to the second degree murder of Walter Bowman. He also pled guilty to an unrelated class C felony assault, dog fighting, breaking and entering, and drug possession. All of the charges were consolidated for one sentence and he was sentenced in the mitigated range for admitting wrongdoing and being willing to participate in the prosecution of co-defendants. He was sentenced on September 10, 2002 and received 144 to 182 months.<sup>116</sup>

On November 10, 2003, the Court of Appeals denied Kagonyera's appeal. The North Carolina Supreme Court denied his petition for writ of certiorari in an unpublished opinion on January 8, 2004.<sup>117</sup>

The factual basis provided by the prosecutor as the plea was entered is attached on the following pages.<sup>118</sup>

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<sup>116</sup> Kenneth Kagonyera Plea Transcript.

<sup>117</sup> NC SupCt, Order, State v. Kagonyera, 1/8/04.

<sup>118</sup> The attachment is an excerpt from the plea transcript of State v. Kagonyera, 00CRS65086, 12/13/01, transcribed by Ruth Paulson. The entire transcript is 14 pages, but only the portion relating to the factual basis is included.



1 arrangement?

2 DEFENDANT: Yes, sir.

3 COURT: All right. Other than this plea arrangement  
4 has anyone made you any promises or threatened you in any way  
5 to cause you to enter this plea against your wishes?

6 DEFENDANT: No, sir.

7 COURT: Do you enter this plea of your own free  
8 will, fully understanding what you're doing?

9 DEFENDANT: Yes, sir.

10 COURT: Do you have any questions about what I've  
11 asked you, about your answers or anything else to this point  
12 about your case?

13 DEFENDANT: No, sir.

14 COURT: All right. You can have a seat.

15 MR. BOYUM: Mr. Devereux, do you agree to a factual  
16 basis and allow the State to summarize the evidence?

17 MR. DEVEREUX: I do.

18 COURT: Thank you, sir.

19 MR. BOYUM: Your Honor, I'll start first with the  
20 00-CRS-65086, the murder charge. This defendant and five  
21 other co-defendants had a plan to rob somebody they thought  
22 was a drug dealer and get his drug money. They, pursuant to  
23 that plan, went to that person's house. This defendant and  
24 three other people stood outside the door and two people were  
25 lookouts. One other person, not this defendant, fired a

1 firearm through the door either in an attempt to break the  
2 lock open or to wound the person on the other side. I'm not  
3 for sure. But in any event, there was another person on the  
4 other side of the door whose name was Walter Rodney Bowman.  
5 He was shot as a result of the shot going through the door and  
6 he is now deceased. These four go in the building for some  
7 short period of time, probably don't even steal anything, and  
8 run away. They all get scared when they see that Mr. Bowman  
9 is shot and dying on the floor. That's the factual basis for  
10 that one, your Honor.

11 In the 98-CRS-12702 charge, a postal worker saw two dogs  
12 fighting and noticed that people were all around there  
13 encouraging it and enticing the dogs to continue fighting.  
14 The dogs were both injured. The postal worker eventually made  
15 a complaint and this defendant was charged with instigating  
16 cruelty to animals by asking dogs to fight.

17 The assault charge, your Honor, which is 00-CRS-51123,  
18 this defendant was the new boyfriend of a girl by the name of  
19 Akisha Lee. They went out to Pisgah View Apartments and got  
20 in an argument with the old boyfriend. This defendant ended  
21 up shooting the old boyfriend three times: once in the left  
22 wrist, once in the left thigh and once in the left shoulder.  
23 That would be the factual basis for that charge, your Honor.

24 In possession of a Schedule II controlled substance,  
25 00-CRS-63425, the defendant was a resident of 17-C Pisgah View

1 Apartments. That apartment was searched and they found a box  
2 containing five grams of cocaine. The defendant had rented  
3 that apartment and his fingerprint was on that box.

4 In the last matter, being the breaking-and-entering  
5 charge, the defendant and some other co-defendants broke into  
6 an apartment, I believe it was 27-E Pisgah View Apartments  
7 occupied by Linda Bethea. They ransacked the apartment. I'm  
8 unclear whether anything was stolen, but they did break and  
9 enter. That would be the factual basis for that charge, your  
10 Honor.

11 COURT: All right, sir. Mr. Devereux, anything from  
12 you gentlemen?

13 MR. DEVEREUX: Your Honor, there's a lot that could  
14 be said about all of those charges, but it doesn't go to the  
15 factual basis so we'll reserve comment for sentencing.

16 COURT: All right. And you've agreed to continue  
17 sentencing. Is that to a time specific or are there some  
18 other pending matters that this relates to?

19 MR. BOYUM: Your Honor, one other person has  
20 previously pled. I don't think a date has been set. Do you  
21 want to pick a date in March?

22 MR. DEVEREUX: That's fine. I don't know when the  
23 trial date is. March is fine.

24 MR. BOYUM: If we could just pick a date early in  
25 March, your Honor, and set this so at least we have some time



### **Larry Williams Guilty Plea**

On February 25, 2002, Larry Williams pled guilty to second degree murder. Williams was sentenced in the mitigated range because he aided in the apprehension of another felon, acknowledged wrongdoing, was a minor, and accepted responsibility for his conduct. He was sentenced at a later date, but ultimately received 100 to 129 months.<sup>119</sup> No transcript of the factual basis is available. The current Buncombe County Court Reporter was able to locate tapes from this session of Superior Court, but they only contained records from one unrelated plea hearing.<sup>120</sup>

### **Robert Wilcoxson Guilty Plea**

On August 15, 2002, Robert Wilcoxson pled guilty to second degree murder and had various other misdemeanors, driving, and drug charges dismissed. He was sentenced at a later date in the presumptive range to 150 to 189 months.<sup>121</sup> The Commission is still attempting to obtain the transcript from this plea hearing.

### **Aaron Brewton Charges Dismissed**

On August 26, 2002, the District Attorney dismissed the murder charge against Aaron Brewton and he plead to an unrelated breaking and entering. The transcript of the dismissal is attached.<sup>122</sup>

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<sup>119</sup> Plea transcript of Larry Williams, 2/25/02

<sup>120</sup> E-mail correspondence between Adam Wrenn and Ruth Paulson, 3/22/11.

<sup>121</sup> Plea transcript of Robert Wilcoxson, 8/15/02

<sup>122</sup> The attachment is an excerpt from the plea transcript of State v. Brewton, 00CRS65089, 8/26/02, transcribed by Ruth Paulson. The entire transcript is 10 pages, but only the portion relating to the dismissal is included.

1     **STATE OF NORTH CAROLINA**                     **IN THE GENERAL COURT OF JUSTICE**  
2   **SUPERIOR COURT DIVISION**  
3     **COUNTY OF BUNCOMBE**                             **FILE NO. 00-CRS-65089**  
4  
5  
6  
7  
8     **STATE OF NORTH CAROLINA**             ]             **T R A N S C R I P T**  
9                     **VS.**                     ]             **VOLUME I OF I**  
10    **AARON JONWAN BREWTON**             ]             **PAGES 1-10**  
11   ]  
12  
13  
14    The above-captioned case coming on for hearing at the  
15    August 26, 2002 session of Criminal Superior Court of Buncombe  
16    County, Asheville, North Carolina, before the Honorable Ronald  
17    K. Payne, Judge Presiding, the following proceedings were had  
18    on August 30, to wit:  
19  
20   **APPEARANCES:**  
21  
22    FOR THE STATE:                     RON L. MOORE, ESQUIRE  
23   District Attorney  
24   28<sup>th</sup> Judicial District  
25   Buncombe County Courthouse  
26   Asheville, NC    28801  
27  
28    FOR THE DEFENDANT:             DAVID BELSER, ESQUIRE  
29   17 North Market Street  
30   Asheville, NC    28801  
31  
32  
33    DATE REQUEST RECEIVED: 3-2-11   DATE DELIVERED: 3-24-11  
34  
35  
36   Ruth S. Paulson, Official Reporter  
37   28th Judicial District  
38   Buncombe County Courthouse  
39   60 Court Plaza  
40   Asheville, NC 28801  
41   828-259-6509  
42  
43  
44  
45  
46  
47

1 MR. MOORE: In a matter I would ask the Court to  
2 allow us to add on there are two matters, and the State's  
3 position is they are not related. The first matter, this is  
4 Aaron Jonwan Brewton. At 00-CRS-65089 he is charged with the  
5 offense of first-degree murder. The State is filing a  
6 dismissal in that case. I don't know if the Court has taken  
7 any pleas in the six individuals charged in this --

8 COURT: I think I did.

9 MR. MOORE: He's the sixth one, and Mr. Belser has  
10 done a good job of advocating for him for a long time. When  
11 Mr. Wilcoxson entered his plea Mr. Stewart told me Wilcoxson  
12 always maintained to Mr. Stewart -- my position -- and I told  
13 Mr. Belser and I would like to get this on the record -- I am  
14 not taking these pleas I am about to take in exchange for  
15 dismissing the murder. I do have the son of the victim who  
16 says this defendant was there. The reason the guys went over  
17 there is because he was an alleged drug dealer, and they went  
18 to rob him. I have other co-defendants who've incriminated  
19 this defendant. At this point I don't think I have evidence  
20 to proceed in a first-degree murder case. That's why I'm  
21 filing a dismissal. I don't want to be barred if something  
22 else comes up. I have made that clear to Mr. Belser and I  
23 assume he and his client will acknowledge that for us on the  
24 record.

25 COURT: It's not a condition of the plea of what he



1 is going to plead to?

2 MR. BELSER: Correct.

3 COURT: Okay. Well, I think you have succinctly put  
4 that on the record. You are, of course, aware that one of the  
5 defendants who has pled guilty, Mr. Isbell, has filed  
6 something that appears in bad language to move to withdraw his  
7 plea.

8 MR. MOORE: Well, he is antsy in the jail. That's  
9 been his problem. And I had him sent off for awhile for  
10 safekeeping because the State increased the expense so much on  
11 the sheriff's department. I feel like it will all resolve  
12 itself the week of the 9<sup>th</sup>.

13 COURT: Judge Payne has got that.

14 MR. MOORE: We're going to sentence this crowd on  
15 the 9<sup>th</sup>.

16 Going to the other matter, Aaron Brewton, 00-CRS-63357,  
17 Mr. Belser, you and your client have signed an Information  
18 alleging breaking or entering and larceny after breaking or  
19 entering. How would he plead to felonious larceny and  
20 breaking or entering?

21 MR. BELSER: He'd plead "guilty" to that.

22 COURT: Mr. Brewton, are you able to hear and  
23 understand me?

24 DEFENDANT: Yes, sir.

25 COURT: Do you understand that you have the right to

## Sentencing Hearing

On September 10, 2002, Kagonyera, Mills, Williams, and Wilcoxson were sentenced. The statement of facts given by the district attorney is included on the next pages. During the sentencing, Mills and Kagonyera made motions to withdraw their guilty pleas. These motions were denied.<sup>123</sup> On September 17, 2002, Kagonyera filed a notice of appeal.

Included below is the entire transcript of the sentencing hearing for Kagonyera, Mills, Williams, and Wilcoxson. The transcript includes the factual basis given by the District Attorney, facts stated by the defense attorneys, the Victim impact statements, and apologies by Wilcoxson and Williams.<sup>124</sup>

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<sup>123</sup> Court file and Correspondence from Al Messer to Kagonyera, 9/10/02 and Transcript of sentencing hearing, Kenneth Kagonyera, 9/10/02.

<sup>124</sup> The attachment is an excerpt from the entire sentencing transcript in State v. Mills, 00CRS65084, State v. Kagonyera, 00CRS65086, State v. Wilcoxson, 00CRS65088, and State v. Larry Williams, 00CRS65085. 9/10/02, transcribed by Ruth Paulson. The entire transcript is 80 pages and includes a separate motions hearing in the case of State v. Isbell, 00CRS93, 9/9/02-9/10/02. The transcript of the separate hearing is not included.

1 Sheriff, he's in your custody.

2 (Whereupon, court recessed for the day at 4:50 p.m.)

3

4 END OF TRANSCRIPTION OF PROCEEDINGS HELD 9-9-02

5

6 (The following proceedings were held on September 10, 2002 and  
7 were reported by Beverly Kline.)

8 MR. MOORE: Page 7, Kenneth Kagonyera. He's  
9 represented by Mr. Al Messer. Previously Mr. Messer and  
10 Mr. Devereux were in the case back when it was capital.  
11 Mr. Devereux's recently was allowed to withdraw. The Court  
12 has the files, I believe.

13 COURT: I just have Mr. Mills' files.

14 MR. MOORE: Mr. Kagonyera pleaded in December of  
15 2000 to various offenses, some related directly to the  
16 homicide and other cases that would include the following:  
17 00-CRS-51123, assault with a deadly weapon with intent to kill  
18 inflicting serious injury; 00-CRS-63356, breaking or entering;  
19 00-CRS-63425, possession of Schedule II; and 00-CRS-65086,  
20 second-degree murder and 98-1275 cruelty to animals. The  
21 State's plea arrangement with him was that the cases will be  
22 consolidated. I have a point sheet which indicates he has one  
23 point for sentencing purposes. Would you stipulate to that,  
24 Mr. Messer?

25 MR. MESSER: We'll stipulate to one point.



1 COURT: The State agreed that it be consolidated?

2 MR. MOORE: Yes, sir.

3 COURT: There is nothing in the plea arrangement.  
4 Maybe there is.

5 MR. MOORE: It was based on assistance that he  
6 provided or agreed to provide.

7 DEFENDANT: Yes, I agreed to that.

8 MR. MOORE: And I will go back through the cases in  
9 a moment, your Honor.

10 COURT: Do you agree that the district attorney can  
11 state the facts of the case?

12 MR. MESSER: Your Honor, I will agree to that.

13 MR. MOORE: For Mr. Mills, your Honor, he was the  
14 first of these defendants to enter a plea. He entered a plea  
15 in June of 2001 and he pled to attempted armed robbery,  
16 conspiracy to commit armed robbery and second-degree murder,  
17 and the State agreed that the cases could be consolidated for  
18 judgment. And for purpose of sentencing him, he is  
19 represented by Mr. McDowall and Mr. Thornton. They would  
20 stipulate to three points.

21 MR. McDOWALL: Yes, sir.

22 MR. MOORE: The cases arise out of one transaction,  
23 the homicide. If I could, your Honor, if I could do the main  
24 case that we're here on, the homicide, and then I will go and  
25 do Mr. Kagonyera's other offenses.

1 COURT: Yes, sir.

2 MR. MOORE: And I have Sam Constance of the Buncombe  
3 County Sheriff's Department here if the Court has any  
4 questions, or the lawyers. He and George Sprinkle are the two  
5 main investigators.

6 Your Honor, with regard to this homicide, there were  
7 numerous individuals that, on or about the 18th day of  
8 September of 2000, decided to go out into the community  
9 ostensibly to go and rob an individual known as Sean Bowman.  
10 Mr. Bowman was a twenty-something young man whom the  
11 defendants believed was involved in illicit activities and  
12 perhaps had a large amount of money. They went to a home  
13 where Sean Bowman was located. The State believes -- and  
14 again, one thing I would tell the Court, there have been  
15 various statements made by various defendants at different  
16 times, and witnesses, so it's hard to figure out exactly who  
17 did what where, but the State believes that the folks went out  
18 there with the intention of robbing Sean Bowman. That was the  
19 plan. They got there; various individuals went inside,  
20 Mr. Kagonyera, Mr. Mills believes went inside, who  
21 Mr. Mills, in his statement said he went to be the lookout and  
22 was going to get twenty-five hundred to three thousand  
23 dollars. That was his statement he made to the officers early  
24 on. Mr. Kagonyera I don't believe disputes that he was there  
25 and went inside although he denies killing Mr. Bowman's

1 father. It's not the man who went to the garage. Later they  
2 go inside. The father of Mr. Bowman, Walter Rodney Bowman, he  
3 jumps up and runs because several individuals come through the  
4 door with guns and I'm sure making all kinds of statements and  
5 saying things. Some people -- there were other people in the  
6 residence, including Sean Bowman, the supposed target of the  
7 robbery. Mr. Bowman jumps up and runs into the bedroom of the  
8 house, locks the door, and one of the defendants -- different  
9 people say different ones. It could be any one of them. I am  
10 not going to try to point the finger because I don't know, but  
11 somebody gets the bright idea to shoot the lock off the door.  
12 Mr. Bowman happens to be standing on the other side of the  
13 door and he is killed as a result of the shotgun blasts. The  
14 State's position, had it gone to trial, is that it would have  
15 been a felony murder case.

16 COURT: If you could have proved that, that  
17 certainly would have been a felony murder.

18 MR. MOORE: And the State believes that the State  
19 could prove that. That's one reason it's taken so long to  
20 handle this case. Just to give the Court the chronology,  
21 Mr. Mills gave a statement in June of 2001. Mr. Kagonyera had  
22 given a statement much earlier. Mr. Williams gave a statement  
23 very early on. Mr. Isbell, he was the first one to give a  
24 statement. Not that everybody sat down and gave an up-front  
25 statement. I don't know that anybody did that. Everybody



1 minimized their own involvement or heard something about it or  
2 attempted to point the finger at somebody else. Eventually  
3 the stories started to come together and there is some  
4 semblance of truth in it because some of the things we can  
5 verify and things they say do match up.

6 Second-degree murder, conspiracy to commit armed robbery  
7 and the attempted armed robbery. I don't think anything was  
8 taken. I think the gunshots went off and these individuals  
9 all ran. Earlier in the day some of the individuals had been  
10 together; Kagonyera and Mr. Isbell and I forget which one, but  
11 they had apparently gone somewhere else and robbed somebody.  
12 Mr. Isbell indicated he obtained the shotgun, although he  
13 denies having possession of it and says he only stayed outside  
14 when they got there.

15 That would be the evidence with regard to the homicide,  
16 and I'll stop there if the lawyers have any disputes or if  
17 they want to ask Mr. Constance anything, or if the Court --

18 COURT: Do the defendants have anything they wish to  
19 ask or offer about the incident itself, not about punishment?

20 MR. McDOWALL: Mr. Mills has denied from the  
21 beginning he ever went inside the house. He admitted he was  
22 the lookout. Your Honor, I have been through all of the  
23 Discovery materials and your Honor can see they were quite  
24 thick. A couple of things stick out in my mind to kind of  
25 corroborate what he's saying.

1 First of all, Sean Bowman, who was the son of the  
2 gentleman that was killed, indicated that the four people who  
3 came in were from around Detroit, Kenny and Larry. As I  
4 understand it, all of these people knew each other. Your  
5 Honor, there was also some sort of jailhouse confession by a  
6 guy named Derrick or Dominick. He indicated Mr. Wilcoxson  
7 indicated there was four involved. Kenny and Teddy. None of  
8 them -- this man's name, of course, is Damian Mills. His  
9 street name is Dado, your Honor. That wasn't indicated  
10 anywhere in the Discovery that I had. Your Honor, he was the  
11 first one to enter a plea, your Honor, and he cooperated with  
12 the State, and we'll get into that at the sentencing stage.

13 COURT: All right.

14 MR. THORNTON: I reiterate what Mr. McDowall says.  
15 The Discovery we obtained is fairly consistent that Mr. Mills  
16 was not one of the gentlemen who went into the residence.

17 COURT: Mr. Messer, do you have anything with the  
18 facts?

19 MR. MESSER: If I may just address the district  
20 attorney for one second, please? Before I get into any  
21 sentencing facts, Mr. Kagonyera has spoken to me and wishes to  
22 speak with me in private for a moment. He does not wish me to  
23 proceed further at this time without an opportunity to speak  
24 with me.

25 COURT: All right. Sheriff, take them someplace

1 where they can talk. In my chambers would be fine.

2 (Mr. Messer and Mr. Kagonyera left the courtroom.)

3 I see no reason, if you want to, why you cannot go into  
4 any punishment facts with respect to Mr. Mills if you have  
5 anything you want to offer about punishment other than the  
6 record sheet.

7 MR. MOORE: What the State would say, as I  
8 indicated, Mr. Mills was the first one to plead out of these  
9 folks. Subsequent to that, his lawyers indicated that they  
10 were willing to meet with other defendants in the jail and  
11 tell them what his testimony would be if there was a trial.  
12 He did, in fact, meet with Mr. Kagonyera, his cousin, who just  
13 left, prior to him entering his plea. I believe he also met  
14 with Mr. Belser's client, met with Mr. Belser. So the State  
15 thinks he should get some credit for that.

16 COURT: Because he cooperated?

17 MR. MOORE: He was the first one to plead. I know  
18 he is due some credit for the dominoes starting to fall, if  
19 you will.

20 COURT: I am not going to call on them yet, but do  
21 you know whether any immediate members of the victim's family  
22 are here?

23 MR. MOORE: Yes, they are here.

24 COURT: I understand they are here, but are they  
25 going to want to say anything?



1 MR. MOORE: Yes, sir.

2 COURT: We'll do that once we get both of these  
3 defendants back here. I see no reason why you all cannot  
4 offer anything up about punishment of your client while  
5 Mr. Kagonyera is out. It has nothing to do with his case, so  
6 proceed.

7 MR. McDOWALL: Your Honor, as Mr. Moore indicated,  
8 this gentlemen confessed even before he was arrested, may it  
9 please the Court. He was arrested, I think, on the 25th of  
10 October 2000, your Honor. I do have the credit for jail --  
11 pre-trial confinement, six hundred and seventy-seven days.

12 COURT: I was going to get into that.

13 MR. McDOWALL: I also have this sheet. We've agreed  
14 to stipulate to the points.

15 COURT: I've got that.

16 MR. McDOWALL: You have already got that.

17 Your Honor, he indicated that he makes, I think, several  
18 contacts with Sam Constance during this period of time which  
19 provided for -- which I think led, if not to the arrest of  
20 people, it at least bolstered their case, your Honor, and I  
21 think he needs to be credited for that.

22 Your Honor, we met twice, really with the -- we met with  
23 Mr. Messer. We met with them prior to the conference with  
24 Mr. Kagonyera, your Honor. We met with them for over an hour  
25 at that time and met with Kagonyera for an hour and a-half

1 after that. Immediately after that Mr. Kagonyera entered his  
2 plea. I think my client was instrumental in that. He was  
3 (The reporter wrote a note to herself, "argument; tape on.")  
4 I imagine if Mr. Isbell wants a trial he stands ready, willing  
5 and able to do that at this time, as well. He met with  
6 Mr. Belser concerning Mr. Brewton. We met with him for almost  
7 an hour and a-half, and he told to Mr. Belser what his  
8 testimony would be, and we've offered to meet with Mr. Brewton  
9 to tell him what our testimony would be if the matter had gone  
10 to trial and provided support there as well, your Honor. His  
11 mom and dad are here. Please stand up. They have been very  
12 helpful throughout this period of incarceration. They stand  
13 behind him. He knows that he has to do his time, your Honor.  
14 He is scared right now, and I think we've got --

15 COURT: I would be scared, too.

16 MR. McDOWALL: Your Honor, I think if any of this  
17 group deserves a mitigated range it's Mr. Mills. If anyone  
18 deserves the low end of the mitigated range I think (The  
19 reporter wrote again "tape is on.")

20 COURT: Do you wish to add anything?

21 MR. THORNTON: (The reporter wrote "argument.")

22 COURT: I am going to give him some credit.

23 MR. MOORE: Just one correction I want to make. He  
24 was arrested -- this crime occurred on the 18th of September  
25 of 2000. He was arrested on October 25th, 2000. Before being

1 arrested he made statements denying involvement. The day  
2 after he finally came clean with us. It's not where he made a  
3 statement prior to his arrest. He made one just after his  
4 arrest.

5 COURT: Well, that's still very early.

6 MR. MOORE: Yes, and I have no problem with the  
7 Court giving him credit. I just wanted it to be accurate.

8 COURT: Yes, sir.

9 My sense is that the victim's family is not going to want  
10 to talk more than once, and yet I think all of the defendants  
11 are going -- I understand we can't have them all present, so  
12 they may have to talk more than once. If what they say is  
13 going to affect Mr. Kagonyera's punishment, then I think we  
14 ought to wait.

15 MR. MOORE: Whatever the Court thinks.

16 COURT: Rather than make them get up here an  
17 additional time -- does the victim's family want to go on and  
18 talk about this?

19 MR. MOORE: Yes, sir, Judge. They are ready. This  
20 is Pamela Bowman.

21 MS. PAMELA BOWMAN: I would like to say this has  
22 been an awful tragedy to my family. My mother, she's old.  
23 The loss that we've suffered is tremendous. It's still a  
24 nightmare. The thought that he was a Vietnam veteran. He  
25 didn't have any enemies that we know of anywhere. To be at



1 home and someone comes in and brutally kills him. He has  
2 grandchildren that have never seen their grandfather. It's  
3 just a nightmare.

4 COURT: Well, the Court wants to express condolences  
5 for your loss and to the rest of your family.

6 MS. PAMELA BOWMAN: Thank you. I feel for the  
7 fellows that are involved, and I know that no matter what  
8 sentence they get can never bring my brother back. And I  
9 really am at a loss for words. I feel for their family and  
10 them as well. Something has to be done. This could put some  
11 closure to their lives as well. It hurts so much because of  
12 the kids. He's got grandchildren now that will never meet  
13 him. And I guess that's about all I want to say, your Honor.  
14 Thank you.

15 COURT: Thank you.

16 (Pamela Bowman resumed her seat and Sally Bowman stepped into  
17 the well of the courtroom.)

18 MS. SALLY BOWMAN: I am Sally Bowman, Rodney  
19 Bowman's mother. He's all I have. I am a widow. I'm  
20 seventy-one. I've been real sick and he was all about that. I  
21 had, and I'm just so hurt. He's just gone forever. That's  
22 all. Thank you.

23 COURT: Thank you.

24 MS. SALLY BOWMAN: His two children are also here.

25 COURT: They don't want to say anything at this

1 point? They will be given an opportunity later to say  
2 anything they desire.

3 Have the defendant stand up. In this case it's the  
4 judgment of the Court the defendant be confined in the  
5 Department of Corrections not less than one hundred twenty nor  
6 more than one hundred fifty-three months, with credit for six  
7 hundred seventy-seven days pre-trial confinement. He is in  
8 your custody, Sheriff. I would find mitigating factors that  
9 he, at an early stage in the proceeding, acknowledged his  
10 participation in this and that he was willing to help, and in  
11 fact, did aid the State with regards to other defendants in  
12 the case. It's a mitigated sentence. The Court also finds  
13 three points. He's a Level II. The Court also took into  
14 account that this defendant's level of participation in the  
15 incident may not have been quite as much as any of the others.

16 I think we were at the stage whether you wanted to add  
17 anything about the facts or to ask questions of the law-  
18 enforcement officer that's here before we get into punishment.  
19 (There was no notation in the record that Mr. Messer and  
20 Mr. Kagonyera had re-entered the courtroom, but the following  
21 proceedings make it obvious that they have returned.)

22 MR. MESSER: Yes, your Honor.

23 Your Honor, at this time Mr. Kagonyera has authorized me  
24 -- and, your Honor, I should put on the record against the  
25 advice of counsel -- wants me to make a motion at this time to

1 withdraw his guilty plea. And I have discussed that with  
2 Mr. Kagonyera, the consequences and repercussions.  
3 Mr. Kagonyera wishes me to make this motion before your Honor.

4 And on what basis?

5 MR. MESSER: Your Honor, Mr. Kagonyera's basis for  
6 withdrawing his guilty plea, as best I can understand, he says  
7 it was not an informed choice, that he was influenced to enter  
8 this guilty plea, that it wasn't knowingly and voluntarily  
9 given.

10 COURT: Well, he is sworn under oath. I have looked  
11 at his transcript of plea and the Court finds from the record  
12 that when the plea was taken he was asked, among other things  
13 on the transcript of plea, the following: First of all,  
14 whether the charges had been explained to him and did he  
15 understand the nature of the charges and every element of the  
16 charges, to which he responded "yes." That he and his lawyer  
17 or lawyers -- were you the only lawyer at the time?

18 MR. MESSER: No, your Honor; myself and Mr. Sean  
19 Devereux.

20 COURT: -- and Mr. Devereux have discussed possible  
21 defenses to the charges, to which he answered "yes." And was  
22 he satisfied with his lawyer's legal services, to which he  
23 answered "yes." He stated that he understood that he had a  
24 right to plead "not guilty" and be tried by a jury. Of  
25 course, that would have been a trial for first-degree murder,



1 and that at such trial he would have the right to confront and  
2 cross-examine witnesses against him, and that because, you  
3 know, by pleading "guilty" he was giving up these rights. He  
4 further stated that he understood that he was being --  
5 pleading "guilty" to second-degree murder, that he could get  
6 up to three hundred twenty-nine months in prison on that  
7 charge, assault with a deadly weapon intent to kill inflicting  
8 serious injury. Interestingly, I don't recall anything about  
9 the facts of that.

10 MR. MESSER: I haven't got to the other case.

11 COURT: Dog fighting and all of those cases for  
12 which he could have gotten two hundred sixty-one months -- dog  
13 fighting for which he could have got thirty months, breaking  
14 or entering for which he could have got thirty months, and  
15 possession of Schedule II controlled substance for which he  
16 could have gotten fifteen months.

17 He further stated under oath that he was pleading guilty  
18 and that he was, in fact, guilty of all of those offenses.  
19 The defendant stated that other than the plea arrangement  
20 which consolidated the charges and reduced the one charge to  
21 second-degree murder, that no one had made him any promises or  
22 threatened in any way to cause him to enter the plea against  
23 his wishes and that it was his own free will and he fully  
24 understood what he was doing.

25 He then took an oath that he had read or heard all of the

1 questions and understood them, including the ones that I have  
2 not gone over orally here today; that the answers that were  
3 shown are the ones he had given in open court and that they  
4 were true and correct, and that neither his lawyer nor anyone  
5 else had told him to give false answers in order to have --  
6 for the Court to accept his plea in this case. From those,  
7 the Court, Judge John Jolly, Jr., accepted his plea after  
8 finding that there was a factual basis for it.

9 The Court finds that from Judge Jolly's findings and his  
10 own oath which he took that the defendant did make an informed  
11 choice, that he fully understood what he was doing and that  
12 the plea was freely and voluntarily made. The Court denies  
13 the motion to withdraw the plea. The defendant excepts to  
14 that ruling.

15 MR. MESSER: Thank you, your Honor.

16 COURT: Now, I think before you -- do you have any  
17 questions about the facts involved with the murder and those  
18 related charges?

19 MR. MESSER: No, sir.

20 COURT: Mr. Moore, if you want to go into these  
21 other cases that were unrelated to that?

22 MR. MOORE: Judge, with regard to the dog-fighting  
23 case, the date of offense was 12-21-98. That involved  
24 fighting or baiting of a dog that this defendant was  
25 participating in. There were a couple of individuals who were

1 arrested. That's the gist of it.

2 Felony assault with a deadly weapon inflicting serious  
3 injury, that offense occurred on 12-24-99. This defendant has  
4 admitted to having shot one Derrick Madden. Apparently they  
5 were having some exchange over a girl that Mr. Madden had a  
6 long-time relationship with. Mr. Madden stated that he was  
7 shot three times by this defendant.

8 The drug charges, your Honor, was 9-23 of 2000. They  
9 involved five point zero grams of cocaine base. There was a  
10 search at Pisgah View where this defendant apparently resided.  
11 There was a box containing the cocaine. He was at the  
12 apartment and his fingerprints were found on the box.

13 The breaking or entering, I referred to that earlier but  
14 I may not have made it clear. This defendant, along with  
15 Aaron Brewton and one other defendant, broke into a house, I  
16 believe seeking to find a safe or money. Some of the  
17 statements say they got a safe that had three \$2 bills in it.  
18 It was the home of Ms. Bethea. The safe belonged to  
19 Mr. Bethea who was one of the individuals involved in the  
20 Patton Avenue shooting and may currently be in jail. That  
21 would be the other four different cases that are involved that  
22 he pled to at the same time, your Honor.

23 Our arrangement was to consolidate them.

24 COURT: Yes, sir. First of all, before the  
25 defendant gets into that -- well, do you have anything about



1 the facts of any of that?

2 MR. MESSER: Your Honor, regarding the possession of  
3 Schedule II and breaking or entering, he did not dispute those  
4 facts. He admitted the responsibility. There was factual  
5 disputes over the factual basis for the felony assault charge  
6 and dog fight. This was a negotiated plea and we've agreed to  
7 consolidate this into the second-degree murder.

8 COURT: It might affect the punishment. What are  
9 the disputes over that?

10 MR. MESSER: Mr. Kagonyera stated that this  
11 confrontation was more in the nature of self-defense. The  
12 female confrontation was that she was the mother of his child.

13 COURT: What did he say that he was defending  
14 against?

15 MR. MESSER: Your Honor, the individual -- the  
16 alleged victim stated that he was defending against himself  
17 being assaulted from this individual. This occurred --

18 COURT: With a weapon or just physical -- just a  
19 fist-type assault?

20 MR. MESSER: Mr. Kagonyera stated to me before that  
21 he believed that knowing this individual's history that he may  
22 be armed, dangerous, and the way this individual presented  
23 himself to Mr. Kagonyera on this evening in question, he felt  
24 like his person was in danger of being assaulted or even  
25 worse, and that's why the response that he had.

1 COURT: What was the dispute over, the dog fight?  
2 Although I can't imagine that much -- I mean it's a felony,  
3 but I don't imagine it would rise to that.

4 MR. MESSER: Your Honor, Mr. Kagonyera is not going  
5 to dispute that aspect.

6 COURT: Okay. All right. Do the victims wish to  
7 say anything about this matter, this case? Have you done a  
8 pre-trial confinement for him?

9 MR. MESSER: Yes, your Honor, I have. If I may  
10 approach?

11 PAMELA BOWMAN: We called my brother Rodney by his  
12 middle name. As I stated earlier, it's just been such a  
13 tragic loss for us. I did mention three grandchildren that  
14 will never see their grandfather. We have one here in court  
15 today, and that hurts a lot. My nieces that are just now  
16 becoming adult women, they are not married. They are thinking  
17 about getting married, and their dad won't get to walk them  
18 down the aisle. My mother is struggling very hard with this.  
19 She's a senior citizen. She only had the two of us. That's  
20 her only husband. Her husband is deceased. So that's really  
21 been stressful. Me as the little sister, I miss my big  
22 brother so much, so very much. It's just like a nightmare. I  
23 feel for all of you and their families, and I understand what  
24 has happened. I just pray that you find God in your life and  
25 that you come to peace with yourself and what has happened

1 here, and for everybody I think that this is a lesson. This  
2 is truly a lesson for people. Thank you.

3 COURT: Is the victim here in the assault case?

4 MR. MOORE: I don't know if he is on the street  
5 right now, but I think we've dealt with him on several  
6 occasions.

7 COURT: So he might have been capable of what they  
8 say?

9 MR. MOORE: Yes, sir.

10 COURT: Do you stipulate to one point for sentencing  
11 purposes?

12 MR. MESSER: Yes, your Honor.

13 COURT: All right. What does the defendant offer  
14 for punishment purposes?

15 MR. MESSER: Your Honor, Mr. Kagonyera is twenty-two  
16 years of age. He grew up here in Buncombe County. Has one  
17 child. As far as sentencing goes, Mr. Kagonyera entered  
18 guilty pleas at an earlier stage in this proceeding. He was  
19 the second individual in this murder case to enter his plea.

20 Your Honor, we respectfully ask your Honor to consider  
21 the mitigated range because of his entering pleas at an early  
22 stage. He was interviewed by the State on several occasions  
23 providing information. Your Honor, we believe that based upon  
24 information Mr. Kagonyera provided to the State caused some  
25 other individuals involved, some other co-defendants involved,



1 to enter pleas subsequent to Mr. Kagonyera's based on  
2 Mr. Kagonyera's assistance.

3 COURT: Is that true, Mr. Moore?

4 MR. MOORE: Judge, certainly given the domino  
5 effect, I think that he had some effect on it and he indicated  
6 the willingness to cooperate if we had to try other people,  
7 and I think he probably should be due some credit for it. The  
8 State doesn't object to the Court giving him some credit.

9 COURT: All right.

10 (Further argument by Mr. Messer. The reporter put "argument"  
11 in her notes.)

12 COURT: Is he still willing to do that if we end up  
13 having to try it?

14 MR. MESSER: Your Honor, if I may have a moment.  
15 (Mr. Messer talked to Mr. Kagonyera.) Mr. Kagonyera has  
16 stated to me that he would be willing to cooperate at that  
17 stage.

18 Your Honor, he does have one point. That one point comes  
19 from a drug paraphernalia charge.  
20 (Bev put "argument" in her notes.)

21 COURT: I'll find the mitigating factors that he has  
22 made an early admission of this proceeding and that he has  
23 been willing and is still willing to cooperate, if necessary,  
24 in the prosecution of co-defendants.

25 In this case it's the judgment of the Court that the

1 defendant be confined in the Department of Corrections not  
2 less than one hundred forty-four nor more than one hundred  
3 eighty-two months, with credit for pre-trial confinement of  
4 six hundred seventy-eight days. He is in your custody,  
5 Sheriff. One other point: it's a Level II.

6 MR. MOORE: Pages 14 and 15 of the motion and plea  
7 calendar seated is Mr. Robert Wilcoxson. He's represented by  
8 Mr. Jack Stewart. He has previously, in 2000-CRS-65088,  
9 entered a plea to second-degree murder.

10 COURT: Yes. IF I recall correctly, I am the one  
11 who took that plea.

12 MR. STEWART: That's right, if your Honor please.  
13 We did this last month.

14 MR. MOORE: 2000-CRS-65085, Larry Jerome Williams,  
15 he entered a plea to second-degree murder, and that was in  
16 February of this year, I believe. For purposes of the record  
17 on these two, Mr. Stewart, who represents Mr. Wilcoxson, would  
18 you stipulate I can tell the Court the factual basis?

19 MR. STEWART: Yes, certainly.

20 MR. MOORE: Mr. Stewart is sole counsel in  
21 Mr. Wilcoxson's case. In Mr. Williams' case, Leah Broker and  
22 Howard McGlohon have been representing him. Miss Broker I  
23 think is out of town, but Mr. McGlohon I think is prepared to  
24 proceed.

25 COURT: Well, it's not necessary that other counsel

1 be here for this purpose anyway.

2 MR. MOORE: I just want to clarify the record.

3 Judge, as I indicated to the Court earlier, on the 18th  
4 day of September of 2000 several individuals went out Fairview  
5 way, the State would contend, with the express purpose of  
6 robbing an individual named Sean Bowman of either money and/or  
7 narcotics. Upon arriving at the house, various of them went  
8 inside. Mr. Wilcoxson has made no statement. However, all of  
9 the other statements would indicate that he went inside.  
10 Mr. Williams made a statement about the same time  
11 contemporaneous with his arrest. He was in jail and made a  
12 statement. I think everybody agrees Mr. Williams stayed  
13 outside and did not go inside. But the individuals that went  
14 inside, Mr. Walt Rodney Bowman apparently jumped up and ran  
15 and tried to get away, went into a bedroom, locked the door.  
16 And again, I don't know who pulled the trigger.

17 COURT: I don't know that that matters.

18 MR. MOORE: Right. But someone fired a shotgun  
19 apparently attempting to shoot the lock off the bedroom door.  
20 Mr. Bowman was on the other side in the wrong place at the  
21 wrong time. He received wounds from that blast that resulted  
22 in his injuries.

23 Both of these defendants, for purposes of sentencing,  
24 have no points, your Honor. I have their sheets for the file,  
25 if I may approach. That would be the gist of the factual



1 basis, your Honor, for purposes of the plea previously  
2 entered.

3 COURT: All right. Mr. Stewart, do you have either  
4 any questions or anything you wish to add with respect to the  
5 factual basis?

6 MR. STEWART: Not really, your Honor. You have  
7 heard the State's recitation of the facts. The shooting, it's  
8 the State's contention, I think, all of the evidence shows  
9 that the shooting was actually directed at a lock on the door  
10 at the time that it happened. That, of course, doesn't change  
11 the result as we all know, but there is a certain amount of  
12 drama involved in this case where they were trying to shoot  
13 the lock off the door to gain entry to the room when that  
14 gentleman was shot.

15 COURT: They knew the person was in the room.

16 MR. STEWART: Yes, sir. Shortly after this  
17 investigation began almost two years ago, Mr. Wilcoxson --  
18 who's not a resident of this state. He had been here for  
19 seven or eight months prior to that time, but he was born and  
20 raised in Detroit, Michigan. He had been down here working.  
21 A week after this investigation began, Mr. Wilcoxson contacted  
22 the authorities and made arrangements to turn himself in once  
23 he was implicated in the crime. It was after he contacted the  
24 authorities that he did, indeed, make a statement. I believe  
25 it's an exculpatory statement, but it was a statement,

1 nevertheless. He offered up blood, I think, for some DNA  
2 testing, and also submitted to a polygraph long before he had  
3 ever been charged with everything.

4 He wanted you to know that very early in the process this  
5 gentleman could have very easily left the state or could have  
6 run, did not do that. He came and turned himself in and he  
7 has been continuously in custody ever since that date.

8 COURT: Anything about the facts or questions you  
9 want to ask the officer or anything, Mr. McGlohon?

10 MR. MCGLOHON: Yes, your Honor. I believe the  
11 evidence would show that my client never had a weapon, and --  
12 is that correct?

13 MR. MOORE: Well, the State's position from all of  
14 the statements, it appears Mr. Williams did stay outside and  
15 didn't have a weapon, that would be correct, and gave a  
16 statement early on in the process, basically contemporaneous  
17 with his arrest.

18 COURT: Gave a statement to what?

19 MR. MCGLOHON: Basically laying out what we think  
20 happened. Well, in the beginning he didn't want to -- like  
21 all of us, "I heard something," somebody else who heard  
22 something. He did finally put himself there and kind of  
23 outlined what had happened, how they had got out there, why  
24 they were going and who he said went. He gave a confession at  
25 that stage of the proceedings, your Honor.

1           His father is with him, and probably one of the good  
2 things that his father has done for him is that he encouraged  
3 him to tell the truth. And out of that confrontation finally  
4 a statement that I think the State relies on came out.

5           MR. MOORE: Frankly, your Honor --

6           COURT: That's going to help him.

7           MR. MOORE: Of all of these defendants, he's  
8 probably given -- he has no record and he made a confession.  
9 He probably should get the best treatment would be the State's  
10 position in terms of his participation, his cooperation and  
11 his lack of record. He was willing to help the State.

12           COURT: And is he willing to help the State if it  
13 becomes necessary?

14           MR. MCGLOHON: Yes, he is, your Honor. And I might  
15 add that he met with Mr. Belser and he confronted his client  
16 and told him what he had told everybody and what he was  
17 willing to testify to, and we're hopeful that that --

18           COURT: We'll get into punishment issues later.

19           Does anyone in the victim's family wish to say anything  
20 with regard to these two people? Let me tell you both. Of  
21 course the lawyers were in the courtroom, but the defendants  
22 may not have been. The victim's family has testified -- not  
23 testified, but talked about their loss to the Court in the  
24 prior sentencing hearings, and, of courses, expressed their  
25 deep loss that they have suffered. What is your name, ma'am?



1           MRS. ALMA BOWMAN: My name is Alma Bowman and I was  
2 married to Walter Bowman, and I live here in Asheville,  
3 originally from Charlotte and Atlanta. At the time all of  
4 this happened I had just left the house with two little  
5 grandbabies to take them to McDonald's. Rodney had went to  
6 bed. Somewhere between he heard all of that commotion and he  
7 got up out of the bed. He had the door barely cracked when I  
8 left because I said, "I'll be back." And somewhere in all of  
9 that commotion when they probably came up in there, there was  
10 no locks on the door, period. Just a doorknob and stuff. And  
11 I feel like they took an innocent man's life. He probably  
12 woke up out of his sleep not knowing what was going on. He  
13 had been hurting and he had several injuries. He was a  
14 hundred percent disabled. And I feel like he heard the  
15 commotion, probably tried to close the door. He heard them  
16 coming up in there, and instead of them asking him to come  
17 out, the guy just shot in there, and I feel like since they  
18 took the life, their life should be taken, but since the Lord  
19 has seen fit to spare their life, I think they should get the  
20 most that they can get for the crime that they have done. I  
21 am sorry that the parents have to suffer like we have to  
22 suffer for it, but it was wrong and I feel like -- I'm trying  
23 not to have hatred in my heart for them.

24           COURT: As I expressed earlier for all of you all --

25           MRS. ALMA BOWMAN: And that they would get the

1 maximum, whatever it is, for the crime that they have done.

2 COURT: All right.

3 MS. PAMELA BOWMAN: I am Pamela Bowman. Walter was  
4 my only brother. There was two children in the family. My  
5 father was deceased several years ago and left the two of us  
6 with my mother. Now I am having to be everything to her in  
7 place of my brother. That is so hard for me. It's like a  
8 nightmare. I'd never wish this on any of you or your families  
9 to have to feel they have to be there a lot for his kids, his  
10 grandkids. And he has grandchildren now, newborn  
11 grandchildren who never will meet their grandfather. He has  
12 daughters he will never walk down the aisle. To me, it's such  
13 a loss because he was my only brother. He was everything to  
14 me, and my heart goes out to you and to us as well. I just  
15 hope that this has taught you all a lesson for other young  
16 people as well, to think just before you leap out and do  
17 things like that people that you leave suffering every day. I  
18 feel like I'm in a nightmare; it's all a dream. You have to  
19 deal with that reality every day. You think he is going to  
20 come home and it dawns on you you will never see him again.  
21 Thank you.

22 COURT: All right. What does the Defendant  
23 Wilcoxson offer with regards to punishment, including a sheet  
24 which I trust you all have filled out showing the pre-trial  
25 confinement?

1 MR. STEWART: Yes, we did, and I'll pass that up in  
2 a minute, if your Honor please.

3 COURT: Yes, sir.

4 (The reporter wrote "argument, tape is on.")

5 MR. STEWART: I would also offer something, also, or  
6 reference on behalf of Robert. He asked in particular that I  
7 pass up a couple of pictures of his daughter. She's not  
8 visibly present in court and he wanted you to see what she  
9 looked like. You will also find, also, a reference from O.T.  
10 Thoms. We all know O.T. O.T. has been there for Robert and  
11 the family for the last couple of years.

12 (The reporter wrote "argument.")

13 I would ask the Court to consider a few things on  
14 Robert's behalf. I mentioned earlier that Robert voluntarily  
15 turned himself in, that when it first became clear to him that  
16 he was a suspect, that he was implicated, Robert contacted the  
17 police, twenty-one years old, agreed to come in and gave the  
18 blood samples, took a polygraph and was arrested. I think  
19 that's important because at his age with no prior record at  
20 all it could have been very easy for him to flee jurisdiction  
21 and run back to Detroit. He didn't do that. When he came in  
22 long before he ever had a lawyer appointed to him he made a  
23 statement and gave samples and gave a polygraph all before a  
24 lawyer was ever appointed.

25 He has no prior record; no record at all. No record in



1 this state or the state of Michigan for any criminal conduct,  
2 actually, excepting this. There is no evidence before  
3 September two years ago Robert Wilcoxson ever owned, possessed  
4 or utilized a firearm. I think some of the gentlemen involved  
5 in this homicide earlier in the day had been out and about  
6 Buncombe County involved in some other robbery. That was not  
7 Robert Wilcoxson. He was not involved in that. Some of the  
8 statutory mitigating factors are Factor No. 4, at the time of  
9 the commission of this offense he was just twenty-one years  
10 old. He was young. He was immature. He obviously used  
11 terrible judgment in the people he associated with and his  
12 involvement. Factor No. 12, there is evidence that Robert  
13 Wilcoxson is a young man of good character. He is well-known  
14 and well-liked. Factor 15, he has expressed remorse and he  
15 has asked specifically to address the Court before sentence is  
16 entered. He came forward and has shown acceptance of  
17 responsibility by virtue of his guilty plea, and he stands  
18 before this Court to be sentenced today. No. 17, Robert  
19 Wilcoxson has always supported himself and supported his  
20 dependents. (The reporter wrote "argument.")

21 The family has made one request. I have explained to the  
22 family this is a request that the Court is not ordinarily  
23 empowered to grant. Robert does have family now by virtue of  
24 the fact he has been here the last two years. His fiancée is  
25 here and he has a child here. (The reporter wrote

1 "argument.") His family asks that once he is incarcerated and  
2 begins serving his sentence, once he is processed, if the  
3 Court could make a recommendation that he could be  
4 incarcerated anywhere in western North Carolina.

5 COURT: It's beyond my capacity to do that.

6 MR. STEWART: I understand.

7 COURT: It would be a vain thing to do. They do not  
8 pay any attention to judges about those kind of requests.  
9 It's just an executive-branch decision.

10 MR. STEWART: And I have explained that's a decision  
11 made by the Department of Corrections, but they asked that I  
12 make that request.

13 COURT: I trust, even though I assume you are  
14 appointed in this, that you will, after this is over, attempt  
15 to help the family with at least making requests through the  
16 proper channels to do that.

17 MR. STEWART: The last thing we ask is both my  
18 client and the family have asked that I convey our deepest  
19 sorrow and deepest sympathy to the family of the Bowmans. We  
20 don't know the Bowmans. We've (The reporter wrote  
21 "argument.")

22 COURT: Before Mr. Wilcoxson attempts to speak -- he  
23 certainly has a right to do that -- let me read what you have  
24 submitted to me.

25 MR. STEWART: Yes, sir.

1 MR. MOORE: I would like to respond to just a couple  
2 of things that were said.

3 COURT: Yes, sir, I will let you do that.  
4 (Court reading silently.)

5 Mr. Wilcoxson, if you wish to address the Court or the  
6 family, you may do so at this time.

7 MR. WILCOXSON: I want to tell you I'm sorry for  
8 everything that happened. There's really nothing I can say  
9 but apologize and ask mercy from you and the judge. Like I  
10 say, I have a daughter, too, so I understand how you all feel.  
11 Whatever happened, it happened the way it went down.  
12 Sometimes you've got to pay the costs. What you're dealt --  
13 we both were dealt the wrong hand. We've got to deal with  
14 what we've got to deal with. I've got to serve the time and  
15 y'all have got to take a loss. I'm sorry through my heart.  
16 I'm sorry, Miss Bowman.

17 COURT: All right, Mr. Moore.

18 MR. MOORE: Just briefly, your Honor. As part of  
19 our plea arrangement we dismissed various cases. One of the  
20 cases involved a drug charge and possession of stolen  
21 property, and I believe when they made that arrest they did  
22 take a gun off of him, and that was prior to this. There had  
23 been a gun in his possession previously.

24 The other thing I believe would be when he did make a  
25 statement he indicated he had not worked since 1998.



1 COURT: Well, the Court finds in Mr. Wilcoxson's  
2 case that a presumptive sentence is appropriate. It's the  
3 judgment of the Court that the defendant be confined in the  
4 Department of Corrections not less than one hundred fifty nor  
5 more than one hundred eighty-nine months, with credit for  
6 whatever time Mr. Stewart certifies. He is in your custody,  
7 Sheriff.

8 All right. What does the Defendant Williams offer with  
9 regards to punishment, other than what's already been said, of  
10 course? I notice some things. Did you put these on the bench  
11 for me to read?

12 MR. McGLOHON: Yes, your Honor. There are some Blue  
13 Ridge Mental Health records and some various reports that I've  
14 pulled from a big stack that I thought that summarized some of  
15 the life experiences of my client, some of his mental health  
16 difficulties, and also the fact that he has been in DSS  
17 custody since he was eleven years old, and there are summaries  
18 in there that I thought best explained that, and I handed  
19 those up hoping the Court would consider those.

20 COURT: Yes, sir, I'll read them after you get  
21 through making your presentation.

22 MR. McGLOHON: Okay. I think after your Honor reads  
23 those you will find that my client has had a troubled life.  
24 At eleven years old he was placed in DSS custody. His parents  
25 separated (The reporter wrote "argument; tape is on.") At the

1 time this occurred my client was sixteen years old and has  
2 been in custody since the date of his confession, October  
3 24<sup>th</sup>. That is a long time for a sixteen year old to be in the  
4 Buncombe County jail being locked back eighteen hours a day.  
5 (The reporter wrote "argument.") No. 2, I would submit that  
6 his role was passive. He was along, but he did not have a  
7 gun. No. 3, that he suffers from a mental or physical  
8 condition that is not sufficient to constitute a defense but  
9 one that perhaps would reduce his culpability from this  
10 offense. We would contend, your Honor, that given his  
11 Willie M status that he would have certainly come under the  
12 influence of these other folks.

13 COURT: The trouble with that is his Willie M status  
14 is because he's got assaultive behavior. If I start excusing  
15 anybody from having assaultive behavior -- or actually, I'm  
16 not saying I'm not going to find mitigating factors. There  
17 are some, but I'm not prepared to find that one because I  
18 don't want to set a precedent. In my own mind, people with  
19 assaultive behaviors get off the hook when they go off and act  
20 under that behavior.

21 COURT: I intend to find mitigating factors just  
22 from what the DA said about his case, but he is still  
23 responsible for his actions whether he is a Willie M or not,  
24 and he needs to understand that. (Argument)

25 MR. MCGLOHON: Mitigating Factor No. 4, that at the

1 time he was only sixteen.

2 Also Mitigating Factor No. 7, that he gave a statement at  
3 an early stage and he is willing to testify at any subsequent  
4 proceedings, and he is willing to help the State.

5 We'd also ask the Court to accept Mitigating Factor  
6 No. 11, at an early stage of this criminal process that he  
7 voluntarily acknowledged his wrongdoing in accordance with  
8 this offense.

9 His mother is available to him and has been diligent  
10 about visitations with him. We'd ask the Court to consider  
11 Mitigating Factor No. 13.

12 Also Mitigating Factor No. 15, that he's accepted  
13 responsibility.

14 My client also wishes to make a statement, your Honor.

15 COURT: Yes, sir.

16 DEFENDANT WILLIAMS: First and foremost I would like  
17 to apologize and express my concern to the Bowman family for  
18 the loss of Mr. Rodney Bowman. I'm truly sorry for what  
19 happened, and I realize my actions caused the loss of a  
20 father, a brother and son. I didn't wish for the death of  
21 Mr. Bowman. If I would have known my actions would have  
22 caused a man his life I wouldn't have done anything. I would  
23 have stopped it. I was wrong and under the influence of my  
24 peers. I know my apology can't bring Mr. Bowman back. I  
25 sincerely hope Mr. Bowman's family accepts my apology and



1 forgives me for my actions. I have had to do some fast  
2 growing up since this incident, and I realize no one benefits  
3 from a tragedy such as this. I realize that the Court could  
4 have just as easily took my life just as Mr. Bowman lost his.  
5 Mr. Bowman cannot return to his family. Once again, I'm truly  
6 sorry for the pain and suffering the Bowman family has endured  
7 for the loss of their loved one. I ask for forgiveness of the  
8 Bowman family. I'm sorry.

9 COURT: If you will turn the certification in.

10 I will have to pause to read the material you've asked me  
11 to read. (Court reading silently.)

12 Let the record show the Court has read what was furnished  
13 to him by counsel in both the Wilcoxson and the Williams  
14 matter. The Court finds Factors Nos. 2, 4, 7, 11, 13 and 15  
15 as proposed by the defendant's counsel. Stand up.

16 It's the judgment of the Court the defendant be confined  
17 in the Department of Corrections for not less than one hundred  
18 nor more than one hundred twenty-nine months, with credit for  
19 pre-trial confinement as certified by his counsel. He is in  
20 your custody, Sheriff.

21 -----  
22 END OF TRANSCRIPTION OF

23 KAGONYERA, MILLS, WILCOXSON & WILLIAMS ON 9-10-02  
24 -----

25 (The next thing in Ms. Kline's notes is on Isbell, and I'm

## **Teddy Isbell's First and Second Plea**

On March 28, 2002, Teddy Isbell entered an Alford plea to accessory after the fact for first degree murder.<sup>125</sup> The sentencing was continued.

On September 9, 2002, Isbell was heard on his motion to remove his attorney and withdraw his plea. He told the court that Matt Bacoate, not his attorneys, had negotiated his plea from the telephone at the Buncombe County Detention Facility.<sup>126</sup> Isbell was ultimately allowed to withdraw his plea. The Commission is still attempting to obtain a transcript from the final portion of this hearing.

On March 7, 2003, Isbell's new attorney filed a motion to disqualify the District Attorney, Ron Moore, because DA Moore was involved in the interrogations prior to arrest and became a witness in the case. Other routine motions were also filed. The motion was never heard, but the attorney did request calendaring by letter on September 3, 2003.<sup>127</sup>

On June 10, 2003, Isbell asked the Judge to allow him to proceed pro se and on July 2 and July 12, 2003, Isbell's attorney filed motions to withdraw.<sup>128</sup> The motions were denied.<sup>129</sup> At this point, Isbell was on his fifth attorney. Isbell was evaluated at Dorthea Dix in June of 2003 to determine whether he was competent to proceed.<sup>130</sup> Isbell was ultimately found competent to proceed.<sup>131</sup>

On December 11, 2003, Isbell was allowed to enter another plea. This time, he pled guilty to conspiracy to commit armed robbery and was sentenced to 66 to 89 months in the

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<sup>125</sup> IRMA record of 02CRS098

<sup>126</sup> Transcript of motions hearing, Teddy Isbell, September 9, 2002.

<sup>127</sup> Letter from Reid Brown to DA Ron Moore, 9/3/03.

<sup>128</sup> Letter from Teddy Isbell to Judge's Chambers, 6/10/03 and Motion to Withdraw, *State v. Isbell*, 00CRS65087, 7/2/03 and 7/2/12.

<sup>129</sup> Order, *State v. Isbell*, 00CRS65087, 8/18/03.

<sup>130</sup> Motion of Order to Transfer to Dorthea Dix, *State v. Isbell*, 00CRS65087, 6/9/03.

<sup>131</sup> Handwritten notes from DA's file 7/14/03.

aggravated range.<sup>132</sup> All other unrelated charges were dismissed. The aggravating factor was that the crime resulted in the death of Walter Bowman.<sup>133</sup>

At Isbell's plea hearing, Mr. Isbell expressed his condolences to the Bowman family and the District Attorney provided a factual basis. The relevant portions of the plea transcript are included below.<sup>134</sup>

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<sup>132</sup> Hearing Transcript, State v. Isbell, 03CRS93, 12/11/03.

<sup>133</sup> Plea transcript, Teddy Isbell, 03CRS093, 12/11/03

<sup>134</sup> The attachment is an excerpt from the plea transcript of State v. Isbell, 00CRS93, 12/11/03, reported by Shari Rogers. The entire transcript is 15 pages, but only the portion relating to the factual basis is included.



1 Your Honor.

2 THE COURT: That could be 16 and could be my  
3 eyesight, too.

4 MR. BROWN: That would be my handwriting,  
5 Your Honor.

6 THE COURT: So it is 16 points.

7 MR. BROWN: Yes, sir.

8 - - -

9 BY THE COURT:

10 Q Is this correct as being your full plea arrangement?

11 A Yes, sir.

12 Q And do you now personally accept this arrangement?

13 A Yes, sir, I do.

14 Q Other than the plea arrangement between you and the  
15 prosecutor, has anyone made any promises to you or  
16 threatened you in any way to cause you to enter this plea of  
17 guilty against your wishes?

18 A No, sir, they haven't.

19 Q Do you enter this plea of your own free will fully  
20 understanding what you are doing?

21 A Yes, sir, I do.

22 Q And do you have any questions about what's just been  
23 said or about anything else connected with your case?

24 A The only thing that I would like to say, Your Honor,  
25 because I would like to -- if I could, I would like to have

1 got an opportunity to send my condolences to the family of  
2 Walter Bowman. Even if I can do so by way of letter and  
3 send it to the prosecutor's office and they can convey that  
4 to them that I apologize for anything that happened, any  
5 uncondusive behavior involved in this case.

6 THE COURT: I don't know if any of them are  
7 here today.

8 MR. BOYUM: They are not here, but if Mr.  
9 Isbell sends us a letter, I'll be glad to contact the  
10 family, the Bowmans, pass that along and ask if they want to  
11 receive --

12 THE COURT: We'll see that it's sent to them.

13 MR. BROWN: The facts will show, Your Honor,  
14 that under this conspiracy theory, events happened after the  
15 conspiracy terminated that brought about the death of  
16 another individual.

17 - - -

18 BY THE COURT:

19 Q So your answer to question number 17 other than the  
20 comments you just made would be no?

21 A Yes, sir.

22 THE COURT: And with that I guess I need him  
23 to sign it.

24 MR. BROWN: Approach the bench, Your Honor?

25 THE COURT: Yes.

1 MR. BROWN: Your Honor, the defendant by and  
2 through counsel would stipulate there's a factual basis and  
3 that each and every element could be met outside of the  
4 introduction of the plea. Let the record show that I think  
5 I'm the fifth or sixth lawyer. Discovery has been open file  
6 policy. This case is really old, so there's not anything I  
7 don't know about in this case, and the defendant doesn't  
8 either. We'll stipulate to a factual basis.

9 MR. BOYUM: Your Honor, on the offense date  
10 of September the 18th of 2000, this defendant somehow  
11 procured a firearm, shotgun, and conspired with Larry  
12 Williams, Kenneth Robert Wilcox, Damian Mills to commit an  
13 armed robbery. Depending on which version of the statement  
14 you believe, after that either the defendant participated in  
15 that armed robbery or got himself out of that armed robbery,  
16 but in any event the armed robbery occurred, and during the  
17 course of that armed robbery, Mr. Walter Rodney Bowman was  
18 killed by that shotgun, and that's the aggravating factor to  
19 which this defendant is stipulating to. That would be  
20 15A-1340.16, number 19, the serious injury inflicted upon  
21 the victim is permanent and debilitating.

22 THE COURT: Number 19 aggravating factor?

23 MR. BOYUM: That's correct. Mr. Brown, do  
24 you stipulate to that?

25 MR. BROWN: We stipulate both as to the plea



## **VIII. Post-Conviction New Evidence**

### **A. Robert Rutherford Confession**

Robert Rutherford was one of the individuals named by the first Crime Stoppers caller 36 hours after the homicide. He was later charged and convicted of conspiracy to distribute controlled substance in federal court. He is referred to as part of Group A in this brief.

On March 27 and 28, 2003, following Rutherford's incarceration on federal charges, Rutherford placed a call from Manchester Federal Correctional Institute to a federal agent who worked with Robert Rutherford as an informant. Rutherford made a full confession implicating himself, Bradford Summey, and Lacy Pickens in the homicide of Walter Bowman. The federal agent turned this information over to the Sheriff's Office. A note in the Sheriff's Office file tends to indicate that this information was relayed to the District Attorney's Office on July 17, 2003.<sup>135</sup>

At this point, all of the co-defendants, with the exception of Teddy Isbell had entered guilty pleas and their cases were closed. There is no indication in the file that any action was taken in regards to this confession other than providing it in discovery to Isbell.

On December 13, 2005, Damian Mills wrote to District Attorney Moore from prison and requested the statement.<sup>136</sup> There is no indication in the file that the District Attorney's Office responded to this letter.

The report of Rutherford's confession is included below.

---

<sup>135</sup> BCSO File, Note "Show Ron from, Captain Harnsworth. They await your direction.", 7/17/03

<sup>136</sup> Letter from Damian Mills to DA Ron Moore, 12/13/05

DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT ADMINISTRATION

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NAME: *Capt. Farnsworth*

ORGANIZATION: *Investigations*

BUILDING, ROOM NO., etc.	TELEPHONE/EXTENSION
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TRANSMITTED FROM	FAX FTS NO. (704) 770-2051	FAX COMMERCIAL NO. (704) 770-2051
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NAME: *Barney Whiteis*

ORGANIZATION:  
DRUG ENFORCEMENT ADMINISTRATION

BUILDING, ROOM NO., etc. 6324 FAIRVIEW ROAD, SUITE #575, CHARLOTTE, N.C. 28210	TELEPHONE/EXTENSION (704) 770-2050
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COMMENTS: *Hennscode Info - BOWMAN*  
*Any ?'s give me a call - 704-770-2073*

APPROVED BY (If applicable)	NAME:
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TRANSMITTED BY (Name):	DATE:	TIME:
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DEA Form  
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## REPORT OF INVESTIGATION

Page 1 of 4

1. Program Code	2. Cross File	Related Files	3. File No. KF-01-0027	4. G-DEP Identifier XNC3D
5. By: BARNABAS WHITEIS At: CHARLOTTE NC	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		6. File Title BRASWELL, DENNIS	
7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested By:			8. Date Prepared 03/28/03	
9. Other Officers: NONE				
10. Report Re: CONFESSION OF ROBERT RUTHERFORD ON MARCH 28, 2003				

SYNOPSIS

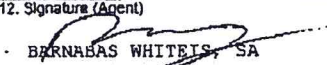
On March 27 and 28, 2003 Robert RUTHERFORD confessed to SA Whiteis telephonically as to a homicide that he was involved in that occurred in the Fairview Community of Asheville NC in 2000.

DETAILS

On March 27, 2003 and again on March 28, 2003 SA Whiteis received phone calls from Robert RUTHERFORD located at the FCI Manchester KY federal prison. RUTHERFORD stated he was involved in a murder in August 2000 and wanted to give SA Whiteis the information. SA Whiteis stated that he could not promise any time off but if RUTHERFORD's information was 100% correct and he was not lying that he (RUTHERFORD) would get the best deal if prosecuted and SA Whiteis would talk with the District Attorney as well as AUSA Jill Rose on behalf of RUTHERFORD'S cooperation.

Rutherford stated the following:

-In August 2000, Dawana BOWENS was dating Shaun BOWMAN and learned that his father FNU BOWMAN (true name Walter BOWMAN hereafter referred to as the deceased) had approximately \$108,000 in currency, marijuana and cocaine located in his residence in the Fairview community of Buncombe County NC. BOWENS related this information to RUTHERFORD and her other boyfriend Bradford SUMMEY. The three decided to burglarize the residence. They were shown the residence and the surrounding neighborhood by Jennifer

11. Distribution: Division	12. Signature (Agent)  BARNABAS WHITEIS, SA	13. Date 4/15/03
District	14. Approved (Name and Title) LARRY SPROAT, GS	15. Date
Other SARI		

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		3. File Title BRASWELL, DENNIS	
4. Page 2 of 4		6. Date Prepared 03/28/03	
5. Program Code			

REAGAN. They also contacted Jay PICKENS who also wanted to help on the burglary They then watched the house.

-RUTHERFORD stated that after several attempts by PICKENS, SUMMEY and himself to burglarize the house when no one was home; BOWENS stated that the money and drugs were inside the house so they decide to rob the residence even though individuals were home.

-Sometime RUTHERFORD believed in August 2000, RUTHERFORD, SUMMEY and PICKENS then drove in PICKENS vehicle, a 1970's model blue Olds Cutlass sedan, stopping at a store prior to the shooting near Reynolds High School. They parked less than a block from the house on the same side of the street in a dirt drive. The three of them all smoked Newport cigarettes, RUTHERFORD was unsure if they were smoking prior to entry into the residence. They approached the residence stopping and hiding in bushes to the right of the house and observing several individual inside. They then decided to go ahead with the robbery.

-At approximately 9:30 to 10:00pm they entered the deceased residence wearing bandanas over their faces, PICKENS and SUMMEY had gloves on. SUMMEY carried a silver 9mm semi-auto pistol, PICKENS carried a 12 gauge full size pump shotgun with pistol grip, RUTHERFORD had no weapon. RUTHERFORD opened the front screen door, the main door was already open. PICKENS and SUMMEY followed by RUTHERFORD ran into the residence. There were several individuals (possibly 4) in the living room on the couch watching the ballgame on TV to the left. One of the individuals was the deceased son, Shaun BOWMAN. Upon entry into the house, PICKENS made all individuals get on the floor of the living room with RUTHERFORD standing guard. The deceased ran from either the living room or the kitchen area upon their entry, running into the first room on the left. He was followed by SUMMEY. The deceased ran into the room and closed the door. SUMMEY went up to the door trying to get it open and then shot through the door near the lock. RUTHERFORD believed SUMMEY had slugs in the shotgun. The shot scared all of the them so badly that they then left out the front door without going to the rear right bedroom where the cash was supposed to be.

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		3. File Title BRASWELL, DENNIS	
4. Page 3 of 4		6. Date Prepared 03/28/03	
5. Program Code			

-After departing the residence they retrieved their car, stopping by a ditch along the road and putting both weapons there. They then went to the Shell gas station on Hendersonville highway where RUTHERFORD threw away his bandana the others may have thrown away their gloves. The three then went to his (RUTHERFORD) grandmothers house where his mother was. RUTHERFORD told his mother about the shooting. They then drove to SUMMEY's residence where RUTHERFORD picked up his car.

-The following day, RUTHERFORD learned from the news media that FNU BOWMAN had died. Later, either that day or the next, RUTHERFORD, PICKENS, BOWEN, SUMMEY and REGAN returned to where they had stashed the guns in the ditch. PICKENS held onto his weapon and RUTHERFORD believed he was later stopped and arrested for carrying a weapon. He is unsure if it was the same one used in the robbery. SUMMEY'S shotgun they bagged up and threw it in a dumpster near the UNCA campus.

-RUTHERFORD stated that the three people charged for the murder had previously done a robbery on the deceased and had been ID by the deceased son, Shaun BOWMAN as the murderers.

#### INDEXING

RUTHERFORD, Robert Earl                      NADDIS 4932030/4865696

PICKENS, Jay                                      NADDIS NEGATIVE  
BMA, Resides in Asheville NC

SUMMEY, Bradford Fitzpatrick      NADDIS NEGATIVE  
BMA, 5'6" tall, 125 lbs., DOB-12-15-1974, address- 5 Concord Dr.,  
Arden NC 28704, NC DL# 8596209, SSN-241-17-5519, FBI# 215857AB8

BOWENS, Dawana                              NADDIS NEGATIVE  
BFA, 27 YOA, resides in Asheville NC

REGAN, Jennifer Lee                      NADDIS NEGATIVE  
WFA, 5'2" tall, DOB-5-28-1982, address- 1179 Garren Cr., Rd.,  
Fairview NC 28732, NC DL# 23832825

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	3. File Title BRASWELL, DENNIS	
4. Page 4 of 4	6. Date Prepared 03/28/03	
5. Program Code		

BOWMAN, Shaun Lee                      NADDIS 4747662  
 Addit. Info: BMA, 5'11" tall, DOB 5-4-1975, address- 74 Church Rd.,  
 Fairview NC, NC DL# 20540088 and 9899674, SSN-237-27-4725, FBI#  
 426868TA2

BOWMAN, Walter Rodney                      NADDIS NEGATIVE  
**DECEASED as of 9-18-2000**, BMA, DOB 8-17-1949, Address 74 Church Rd.,  
 Fairview NC

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## **B. CODIS DNA Hit**

The unknown DNA profile obtained from one of the bandanas continued to be automatically queried through the state and federal DNA databank each month. On March 30, 2007, there was a CODIS hit on the DNA profile obtained from the bandana. The hit was for Bradford Summey. Summey was one of the individuals named in the first Crime Stoppers report and was implicated by Robert Rutherford in Rutherford's 2003 confession. Summey is also one of the individuals referred to as Group A in this brief.

On October 1, 2007, the North Carolina State Bureau of Investigation issued a report regarding this CODIS hit and copied the report to Buncombe County District Attorney, Ron Moore. The written telephone log from the SBI indicates that the DNA analyst called the Buncombe County Sheriff's Office and spoke to Detective Roney Hilliard on June 25, 2007. The log also indicates that the analyst then left a message for Lt. John Elkins of the Sheriff's Office. The log further indicates that on June 26, 2007, "Lt. Elkins called me. I gave him the information on the hit. He said he would talk to the DA and call me back."

There is no indication in the SBI files, the Sheriff's Office files, or the DA's files that any further action was taken on this CODIS hit. The files provided to the Commission by the Sheriff's Office and District Attorney contain no references to the CODIS hit. The Commission staff discovered the CODIS hit when they entered into a consent order for a copy of the SBI file pursuant to the Commission's enabling statute N.C.G.S. 15A-1467(d). At the Commission's request, the SBI has now conducted a direct comparison and confirmed the CODIS hit as a match to Bradford Summey. The DNA analyst has been subpoenaed to the April 28 and 29, 2011 Commission hearing.

## **IX. Kenneth Kagonyera's Post-Conviction Proceedings**

### **A. Kenneth Kagonyera's Requests for DNA testing and DNA results**

After his conviction, Kenneth Kagonyera began attempting to learn the results of the original DNA testing from his case. Kagonyera and his attorneys state that they were never provided with the results of the 2001 SBI testing, which indicated that the DNA found on the bandanas did not match Kagonyera or the others in Group B. Kagonyera was not aware of the DNA CODIS hit until after the Commission obtained the SBI file and discovered the report.

In the spring of 2003, Kagonyera requested copies of DNA results from the Clerk's Office. The Clerk's Office responded on May 29, 2003 and directed him to refer questions to appellate counsel and noted that there was a charge for copies.<sup>137</sup>

On June 20, 2003, Kagonyera filed a pro se motion for DNA testing of ski masks, bandanas, and gloves.<sup>138</sup> There is no indication that any ski masks had ever been recovered or were worn by the assailants. On July 2, 2003, Judge Payne denied Kagonyera's pro se motion for DNA testing stating that he "plead guilty and admitted that he was in fact guilty of these charges."<sup>139</sup>

In June 2005, Kagonyera wrote to the Sheriff's Office and requested a copy of the lab results from his case. On June 22, 2005, the Sheriff's Office wrote back to Kagonyera and said he needed contact the District Attorney.<sup>140</sup>

On June 28, 2005, Kagonyera wrote to DA Moore and requested a copy of the SBI lab report in his case.<sup>141</sup> There is no response from the DA's Office in the file. On July 19, 2005,

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<sup>137</sup> Letter from Deputy Clerk to Kagonyera, 5/29/03.

<sup>138</sup> Motion for DNA Testing, *State v. Kagonyera*, 00CRS65086.

<sup>139</sup> Order, *State v. Kagonyera*, 00CRS65086, 7/2/03

<sup>140</sup> Letter from BCSO to Kagonyera, 6/22/05.

Kagonyera again wrote to DA Moore and made a request under Freedom of Information Act and the Privacy Act requesting the results of the DNA analysis.<sup>142</sup> There is no response from the DA's Office in the file.

In August 2005, Kagonyera contacted the Clerk of Superior Court to request a copy of the DNA analysis. The Clerks Office wrote back to Kagonyera and told him he needed to contact the District Attorney.<sup>143</sup>

On April 21, 2006, Kagonyera filed an affidavit requesting the DNA results and saying that he and others made false statements implicating themselves.<sup>144</sup>

On September 12, 2006, Kagonyera filed a "motion to compel the District Attorney [*sic*] Office to release results of DNA Testing of hair and blood samples by defendant."<sup>145</sup> It does not appear that this motion was addressed or ruled upon.

## **B. Kenneth Kagonyera's Motion for Appropriate Relief**

On February 15, 2008, Kagonyera filed a pro se Motion for Appropriate Relief. The entire handwritten motion is included below.

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<sup>141</sup> Letter from Kagonyera to Ron Moore, 6/28/05.

<sup>142</sup> Letter from Kagonyera to Ron Moore, 7/19/05

<sup>143</sup> Letter from Clerk to Kagonyera, 8/15/05.

<sup>144</sup> Affidavit of Kagonyera, 4/21/06.

<sup>145</sup> Motion by Kagonyera, State v. Kagonyera, 00CRS65086, 9/12/06



copy to  
PA  
4/28/02  
State of North Carolina  
County of Buncombe

FILED  
08 APR 28 AM 9:55  
BUNCOMBE COUNTY C.S.C.

BY \_\_\_\_\_

In the general court  
of justice Superior  
Court Division File no  
00crs 65086, 51123,  
63356, 63425, 98crs  
12702

State of North Carolina }  
v. } Motion For Appropriate  
Kenneth Manzi Kagonjera } Relief

Now comes Kenneth Manzi Kagonjera  
Defendant pro se in the above captioned cases  
and respectfully moves the court pursuant to  
G.S. 15a-1411, et seq, for appropriate relief from  
the defendants conviction and sentence in said  
cases. In support of this motion defendant  
shows the court:

(1)

I am seeking the court to review the legality  
of the following convictions which defendant is  
presently serving.

Date of conviction: September 10, 2002  
Presiding Judge: Honorable Dennis J. Winner  
Plea: Guilty

offenses convicted of : Second degree Murder,  
possession of Schedule II controlled substance,  
Breaking & Entering, Assault with a deadly  
weapon, Dog Fighting and Baiting  
Sentence: 144-182 months

(2)

Here is a Brief statement of the Facts  
that shows Defendant is legally entitled to  
relief from conviction and sentence  
Articles of clothing were left near the scene  
of the crime gloves and scarfs which  
contained hair fibers that belong to  
the perpetrators of this crime. A  
Door panel of Defendants vehicle seized by  
Investigating officials was packaged to match  
DNA to the victims. All of the results to  
the analysis of the said evidence has  
been withheld from the Defendant by District  
Attorney Ronald Moore which is Unconstitutional  
and Denies Defendant a Fair opportunity to  
prepare a Defense Defendant contends he  
was subjected to DNA testing to match

hair fibers to the hair in the articles found at or near the scene of the crime. Defendant contends under Brady exculpatory evidence cannot be withheld because prosecutor does not have it and the investigating agency does. *U.S. v. Zunc Arce* 24 F3d 1420 (9th cir 1995)

Brady requirements government disclose exculpatory evidence also applies at sentencing. *U.S. v. Severson* 3 F3d 1005 (7th cir 1993)

Defendant contends had the results of the DNA Analysis been disclosed to the Defendant the Defendant could have presented the results of the testing as well as verbal testimony to prove a fair and just reason to withdraw his guilty plea.

*Grazbowski v. Jackson county public defenders office* 47 F3d 1386 (5th cir 1995)  
To be valid, guilty plea must be knowingly, intelligently and voluntarily entered. Defendant must be shown to understand nature of charges and consequences of plea.



Defendant was advised that on his pre-sentencing hearing that the First degree murder was changed to Second degree and the other charges consolidated into the second degree murder for sentencing purposes which came on September 10, 2006. Defendant believed based on counsel's advice from the pre-sentencing hearing that he still retained his right to go to trial and present evidence in his own self-defense.

(3)

This motion comes within G.S. 15a-1415(b) (A.) I have discovered new evidence which has a direct and material bearing upon my Innocence. This newly discovered evidence has been requested by the defendant on three separate occasions. Once from District Attorney Ronald Moore and Sgt. Eddie Davis of PCSO and by motion for DNA testing pursuant to N.C. G.S. 15a-269 as shown in the.

Attachments to this Motion

Also Attached to this motion is a Request For Examination of physical Evidence which the state used to retrieve hair from the Defendant as well as Blood to match to the evidence they gathered.

(B.)

Defendant contends an statement that is not attached to this motion but is described as Follows. A sworn Affidavit from a Federal inmate Rob Rutherford to Ronald Moore confessing knowledge of the Murder of Walter Rodney Bowman which implicates the true perpetrators.

(C.)

Defendant Kagonyera requests and prays the court sees Fit to conduct a hearing so the defendant can Testify as to why he pled guilty and call other witnesses

(D.)

This evidence was unavailable and unknown to the Defendant as well as his lawyer at the time of defendant's sentencing and could not with due diligence have been discovered or made available at that time because the results of the analysis was not entered in defendant's discovery or disclosed so defendant could prepare a defense

(4.)

Defendant alleges that his conviction was obtained in violation of his rights to due process of law, and other constitutional provisions

(A.) Defendant's conviction was obtained by the unconstitutional failure of the state to disclose to the defendant evidence favorable to the defendant (U.S. const. Am 5, 2, 14) (NC const Art I sec 18, 19, 23)



(B.)

Defendants conviction was obtained by a plea of guilty which was unlawfully induced and not made voluntarily with understanding of the nature of the charges and consequences of the plea. (U.S. const. Am 5, 6, 14) (NC const Art I Sec 19, 23)

(C.) Defendants conviction was obtained by denial of defendants right to present evidence in his own self-defense (U.S. const. Am 5, 6, 14) (NC const Art I Sec 18, 19, 21, 23)

(D.) Conviction due to the ineffectiveness of Trial defense counsel. (U.S. const. Am 5, 6, 14) (NC const. Art I Sec 19, 23)

(5.)

Wherefore Defendant respectfully moves the court for the following relief:

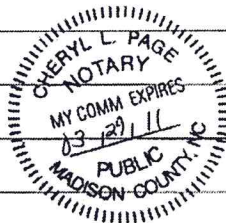
Dismissal of Defendants conviction or a new Trial because there is in fact evidence of proof that could not with due diligence have been discovered by me the movant. This evidence is not merely cumulative or impeaching but is of such nature that it would change the results if a new Trial is granted. This courts Failure to submit this materiality evidence as well as statements to a jury is structural defect in a trial process and requires a reversal *U.S. v. Dirlco*, 78 F3d 732 (1st Cir. 1996)

I Further respectfully request the Court to allow me to proceed in Form pauperis (see the IFP affidavit submitted here with) Appoint Counsel to advise and represent me G.S. 15a-142 (c) (4); 15a-1421; 7A-450, 451. and grant an evidentiary hearing on all Factual issues G.S. 15a-1420 (1) and (4)

Respect Fully Submitted, this 15 day of February, 2008

*Kenneth Kagonyora*

*Cheryl L. Page, Cheryl L. Page*  
Notary Public





## **District Attorney Response**

On May 20, 2008, Judge Payne signed an order requiring the District Attorney to file an answer to the MAR.<sup>146</sup> The DA's Office filed a motion to review the defense files and Kagonyera's attorney, Al Messer, turned over a copy of his entire file for review and an in camera inspection.<sup>147</sup>

On July 29, 2008, DA Moore, filed a response to Kagonyera's MAR and agreed to compare the DNA profiles obtained from the gloves and bandanas collected to the profiles of Group A: Rutherford, Summey, and Pickens. The response is included on the following pages. The response states that Lacy Pickens was in custody on the date of the murder. According to the jail logs from the Buncombe County Detention Facility, Lacy Pickens was serving weekends and was not in the Buncombe County Detention Facility on Monday, September 18, 2000.

The DA's response does not include any information about the CODIS hit to Summey, although the SBI sent a copy of the report to District Attorney Moore on October 1, 2007.

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<sup>146</sup> Order, State v. Kagonyera, 00CRS65086.

<sup>147</sup> Motion, State v. Kagonyera, 00CRS65086, 6/13/08 and Motion for in camera inspection, State v. Kagonyera, 00CRS65086.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA ) 08 JUL 30 PM 2:42 FILE NO(S): 00-CRS-65086, 00-CRS-51123  
 ) 00-CRS-63356, 00-CRS-63425  
 v. ) BUNCOMBE COUNTY C.S.C. 98-CRS-12702  
 )  
 KENNETH MANZI KAGONYERA) BY \_\_\_\_\_ MOTION  
 Defendant.)

NOW COMES the State by and through the District Attorney Ronald L. Moore of the 28<sup>th</sup> Prosecutorial District and would show the Court as follows:

1. The Defendant has previously filed a Motion for Appropriate Relief alleging various matters relating to his guilty plea to Second Degree Murder that included his allegations that there were other suspects which should have been tested for DNA and compared with various items recovered from the side of the road in the vicinity of the home where the victim was murdered in this case.
2. The Defendant also refers to a statement by federal inmate Robert Rutherford concerning the participation by Rutherford and others in the alleged murder.
3. In Rutherford's statement, he refers to himself, Bradford Summey and Jay Pickens (whom the State believes is Lacy Pickens, III) as having committed the robbery and murder that the Defendant and four other co-defendants have previously pled to.
4. The State has no reason to believe that any of the statements made by Robert Rutherford have any reliability and would further show the Court that the Defendant and the four co-defendants who pled guilty, Larry Williams, Teddy Isbell, Robert Wilcoxson, and Damian Mills all made statements confirming their involvement and/or the involvement of some or all of their co-defendants in this case.
5. The Defendant and both his attorneys, Sean Devereux and Al Messer, in the presence of law enforcement, the District Attorney, and the investigator for the Office of the District Attorney, confirmed his involvement in the robbery and murder of the victim in this case as well as that of all his co-defendants. A copy of the follow-up to this interview is attached Exhibit "A". This meeting was at the request of the Defense counsel.
6. The statement referred to by Robert Rutherford was received by the State in July of 2003; some 10 months after the Defendant had entered his pleas of guilty on September 10, 2002.
7. Various purported details in Rutherford's statement undermine any credibility as to what Rutherford says and it appears that he was trying to curry favors with the Federal Government to help him on his Federal cases.

8. In fact, the name of Robert Rutherford and the individuals referred to by Rutherford in Paragraph 3 above had come in as a Crime Stoppers tip at the beginning of the investigation in 2000. One of the individuals named by Rutherford was actually in the Buncombe County Detention Facility for 2 ½ months including the date of the murder of the victim in this case, further undermining any credibility that Robert Rutherford has.
9. There were items recovered down the road in the vicinity of the home where the murder took place, including bandana and/or scarf like items and work gloves that were tested for DNA and compared with those of the Defendant and co-defendants with either negative or inconclusive results. There was no comparison of Robert Rutherford or the individuals named by him in Paragraph 3 above, since the State does not consider Rutherford's credibility liable.
10. The State is willing to compare the DNA of the three individuals named in Paragraph 3 above with the bandana/scarves and work gloves found on the side of the road in the vicinity of the home where the robbery and murder occurred.

WHEREFORE THE STATE asks that the Court enter an Order directing the State Bureau of Investigation to compare the DNA of the three individuals named above to that of the items recovered in the vicinity of the home where the murder occurred.

This the 29<sup>th</sup> day of July, 2008.



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RONALD L. MOORE  
DISTRICT ATTORNEY



MEMO TO: D.A. R. Moore  
FROM: Inv. L.B. Raymond  
DATE: November 30th, 2001  
REFERENCE: Kenneth Manzi Kagonyera /00crs65086

On November 29<sup>th</sup>, 2001 at 2:20pm Kenneth Manzi Kagonyera was interviewed at the District Attorney's Office. Present at the interview were D.A. R. L. Moore, Attorneys S. Deaveraux, and A. Messer, along with Detective L.B. Raymond. Mr. Kagonyera was asked by Mr. Moore to explain the circumstances around the shooting of Walter Rodney Bowman on 9/18/00. He stated the idea for the robbery was Wilcoxson's and Brewton's. He stated that Wilcoxson had several guns and that Brewton also had one. When it got dark they decided to go to Fairview and rob Sean Bowman. Wilcoxson and Williams came by and picked up Mr. Kagonyera, and Damian Mills, so they could follow them. Mr. Mills drove the Chevy out to Fairview. Mr. Wilcoxson was driving the Dodge van. He stated that Mills had a Tec-9, he had a 9mm, Brewton had a .45 and Wilcoxson had a shotgun. In the van on the way out Mr. Isbell drove, also in the van was Brewton, Williams and Wilcoxson. Mr. Kagonyera followed them with Mr. Mills. When they arrived at the residence, Mr. Isbell stayed in the vehicle he had no gun with him then, neither did Mr. Williams. When they entered the house there was Mr. Bowman, an old man, a girl and another man in the home. Mr. Wilcoxson ran after the man who ran down the hallway, Mr. Kagonyera told everyone to get down, Mr. Kagonyera went after the girl who ran into the kitchen. Mr. Mills kept a gun on Sean Bowman the entire time in the livingroom. The old man had run into the bedroom and Mr. Brewton was in the living room making sure that everyone was staying down. After the shotgun went off down the hall, Mr. Wilcoxson came running back down the hall. They all left the residence and got into the cars and drove off. At the scene Mr. Brewton took all the guns. Mr. Kagonyera and Mr. Mills left together. Three days after the shooting, a Thursday, Mills, Isbell, Wilcoxson, Williams, Brewton, and Kagonyera got together and drove around smoked some pot and got a story together, they met up in Pisgah View Apartments, where he had dropped off Mr. Mills after the shooting. Mr. Kagonyera finished by saying that was all he remembered, he didn't know what had happened to the gun that was used.

lbr

EXHIBIT "A"

## Order

On July 30, 2008, the Judge Payne ordered the SBI to compare the DNA of Robert Rutherford, Brad Summey, and Lacy J. Pickens to the bandanas and gloves. The DA's Office is ordered to "provide the Court with such Orders as may be necessary for the collection of DNA by August 15, 2008."<sup>148</sup> On August 15, 2008, the DA's Office moved for a writ of habeas corpus to transport Robert Rutherford from federal prison to the Buncombe County Detention Facility in order to obtain a sample of his DNA.<sup>149</sup> The motion was granted on the same day.<sup>150</sup> On August 29, 2008, Robert Rutherford was transported from federal prison to the Buncombe County Detention Facility.<sup>151</sup>

On September 19, 2008, Detective Hilliard, interviewed Robert Rutherford at the Buncombe County Detention Facility at the request of DA Moore.<sup>152</sup> The report of that interview is included below. There is no indication that DA Moore ever interviewed Robert Rutherford.

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<sup>148</sup> State v. Kagonyera, 00CRS65086, Order, 7/30/08

<sup>149</sup> State v. Kagonyera, 00CRS65086, Writ, 8/15/08

<sup>150</sup> State v. Kagonyera, 00CRS65086, Order, 8/15/08

<sup>151</sup> Telephone call from Jamie Lau to BCSO Major Matayabas, 4/1/11

<sup>152</sup> BCSO Report, Interview of Robert Rutherford, 9/19/08



**OFFICE OF THE SHERIFF  
BUNCOMBE COUNTY, NORTH CAROLINA**

202 Haywood Street  
Asheville, N.C. 28801

Van Duncan, Sheriff

**INTERVIEW of ROBERT EARL RUTHERFORD**

**DATE:** 09-19-2008 10:20am  
**PLACE:** Buncombe County Detention Facility  
**CASE:** Per Ron Moore  
**DETECTIVE:** Roney Hilliard *R*

The following is a synopsis of statements made by Robert Rutherford during an interview at the Buncombe County Detention Facility. This interview was requested by District Attorney Ron Moore.

At approximately 10:20am, I met with Rutherford in the booking area of the Buncombe County Detention Facility. After introduction myself, I told him that I was meeting him by request of District Attorney Ron Moore. After the introduction, I asked Rutherford if he was willing to talk to me about a homicide that occurred in 2000.

Rutherford responded by stating that he did have information about the Bowman case, but was not willing to disclose any information to me. Bowman requested that Ron Moore meet with him "face to face". I called Mr. Moore on the telephone and told him Rutherford was not willing to talk with me. Mr. Moore stated he was not interested in talking to Rutherford at this time and he would take a look at any information that was gathered from me.

I went back to Rutherford and told him what Mr. Moore said. Rutherford was still insistent on meeting Mr. Moore "face to face". As Rutherford put it, "I'll tell Ron the whole thing...but I need to meet him in person...there is no need to go through a middle man...I'll tell him everything."

The interview was concluded at approximately 10:40am.

Service ♦ Accountability ♦ Integrity ♦ Professionalism ♦ Dignity



## **No DNA samples taken**

From August 29, 2008 to April 17, 2009, Robert Rutherford was held in the Buncombe County Detention Facility.<sup>153</sup> During that period, Rutherford wrote to DA Moore, the Court, the US Marshalls, and the Sheriff seven times asking to be sent back to federal prison. He was returned to federal prison on April 17, 2009. Rutherford's DNA was never collected for comparison with the gloves and bandanas as was ordered on July 30, 2008.

There is no record in the files the Commission has obtained that any attempt was made to obtain a DNA sample from Bradford Summey.

Lacy Pickens was killed on July 6, 2006, and there is no record in the files the Commission has obtained that any attempt was made to locate any DNA sample previously collected from Pickens.

The Commission was able to obtain a DNA sample from Bradford Summey and a DNA sample of Pickens that had been preserved in another case. Results of the Commission's testing will be reported at the April 28 and 29, 2011 hearing.

## **C. Other Agency Applications**

### **Prisoner Legal Services**

Williams, and Wilcoxson applied to North Carolina Prisoner Legal Services. The Commission is working with that agency to obtain copies of their claims.

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<sup>153</sup> BCSO Jail log.

## **North Carolina Center on Actual Innocence**

In 2003, Kagonyera applied to the North Carolina Center on Actual Innocence. Further review of his claims was denied in 2004. “Based on the Center's closing memo, the case was rejected because Kagonyera was not claiming innocence of the other charges consolidated in his plea agreement, and the Center determined he would have remained incarcerated for the crimes for which he accepted responsibility.”<sup>154</sup>

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<sup>154</sup> E-mail from Chris Mumma, 4/4/11.

## **X. Application to the Commission**

On August 26, 2008, Kenneth Kagonyera applied to the North Carolina Innocence Inquiry Commission. On March 19, 2010, Kagonyera's case was moved into formal inquiry and he signed a waiver of procedural safeguards and privileges with the assistance of his attorney, Frank Wells.

On November 22, 2010, Robert Wilcoxson applied to the Commission. On February 1, 2011, Wilcoxson's case was accepted for formal inquiry and he signed a waiver of procedural safeguards and privileges with the assistance of his attorney, Chris Fialko. The entirety of the Commission's investigation will be presented in a hearing to the Commissioners on April 28 and 29, 2011.



## **XI. Conclusion**

A hearing will be conducted before the North Carolina Innocence Inquiry Commission on April 28 and 29, 2011. At that time, the Commission staff will present the evidence uncovered during their investigation. Multiple witnesses are expected to testify before the Commission.

The North Carolina Innocence Inquiry Commission is charged with considering “credible, verifiable evidence of innocence that has not been previously presented at trial or considered at a hearing granted through postconviction relief.” N.C.G.S. § 15A01460. Each Commissioner shall determine whether “there is sufficient evidence of factual innocence to merit judicial review.” N.C.G.S. § 15A-1468(c). These cases were the result of guilty pleas and the Commission must be unanimous to refer the cases to three-judge panel.